

PUBLIC EDUCATION DEFINITIONS COORDINATION

2019 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends provisions in the public education code related to defined terms.

Highlighted Provisions:

This bill:

- defines terms;
- amends provisions in Title 53G, Public Education System -- Local Administration, to use and conform with defined terms in coordination with 2019FL-0374, Public Education Definitions Amendments;
- amends other provisions in the public education code related to defined terms; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

Utah Code Sections Affected:**AMENDS:**

53G-3-202, as last amended by Laws of Utah 2018, Chapter 256 and renumbered and amended by Laws of Utah 2018, Chapter 3

53G-3-301, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-3-302, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-3-305, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-3-306, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-3-307, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-3-308, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-3-401, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-3-402, as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-3-404, as renumbered and amended by Laws of Utah 2018, Chapter 3

33 **53G-3-501**, as renumbered and amended by Laws of Utah 2018, Chapter 3
34 **53G-3-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3
35 **53G-3-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
36 **53G-4-201**, as renumbered and amended by Laws of Utah 2018, Chapter 3
37 **53G-4-202**, as renumbered and amended by Laws of Utah 2018, Chapter 3
38 **53G-4-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
39 **53G-4-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
40 **53G-4-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
41 **53G-4-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
42 **53G-4-304**, as renumbered and amended by Laws of Utah 2018, Chapter 3
43 **53G-4-401**, as renumbered and amended by Laws of Utah 2018, Chapter 3
44 **53G-4-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
45 **53G-4-403**, as renumbered and amended by Laws of Utah 2018, Chapter 3
46 **53G-4-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
47 **53G-4-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
48 **53G-4-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3
49 **53G-4-409**, as renumbered and amended by Laws of Utah 2018, Chapter 3
50 **53G-4-410**, as renumbered and amended by Laws of Utah 2018, Chapter 3
51 **53G-4-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3
52 **53G-4-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
53 **53G-4-602**, as renumbered and amended by Laws of Utah 2018, Chapter 3
54 **53G-4-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
55 **53G-4-605**, as renumbered and amended by Laws of Utah 2018, Chapter 3
56 **53G-4-606**, as renumbered and amended by Laws of Utah 2018, Chapter 3
57 **53G-4-801**, as renumbered and amended by Laws of Utah 2018, Chapter 3
58 **53G-4-802**, as renumbered and amended by Laws of Utah 2018, Chapter 3
59 **53G-4-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
60 **53G-4-804**, as renumbered and amended by Laws of Utah 2018, Chapter 3
61 **53G-4-805**, as renumbered and amended by Laws of Utah 2018, Chapter 3
62 **53G-4-806**, as renumbered and amended by Laws of Utah 2018, Chapter 3
63 **53G-4-807**, as renumbered and amended by Laws of Utah 2018, Chapter 3

64 **53G-4-1003**, as renumbered and amended by Laws of Utah 2018, Chapter 3
65 **53G-4-1004**, as renumbered and amended by Laws of Utah 2018, Chapter 3
66 **53G-4-1006**, as renumbered and amended by Laws of Utah 2018, Chapter 3
67 **53G-5-102 (Effective 01/01/19)**, as last amended by Laws of Utah 2018, Chapter 383
68 and renumbered and amended by Laws of Utah 2018, Chapter 3
69 **53G-5-201 (Effective 01/01/19)**, as last amended by Laws of Utah 2018, Chapters 293,
70 383 and renumbered and amended by Laws of Utah 2018, Chapter 3
71 **53G-5-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
72 **53G-5-205 (Effective 01/01/19)**, as enacted by Laws of Utah 2018, Chapter 383
73 **53G-5-301**, as renumbered and amended by Laws of Utah 2018, Chapter 3
74 **53G-5-302 (Effective 01/01/19)**, as last amended by Laws of Utah 2018, Chapters 154,
75 383 and renumbered and amended by Laws of Utah 2018, Chapter 3
76 **53G-5-303**, as last amended by Laws of Utah 2018, Chapter 211 and renumbered and
77 amended by Laws of Utah 2018, Chapter 3
78 **53G-5-304 (Effective 01/01/19)**, as last amended by Laws of Utah 2018, Chapter 383
79 and renumbered and amended by Laws of Utah 2018, Chapter 3
80 **53G-5-305 (Effective 01/01/19)**, as last amended by Laws of Utah 2018, Chapter 383
81 and renumbered and amended by Laws of Utah 2018, Chapter 3
82 **53G-5-306 (Effective 01/01/19)**, as last amended by Laws of Utah 2018, Chapter 383
83 and renumbered and amended by Laws of Utah 2018, Chapter 3
84 **53G-5-403**, as renumbered and amended by Laws of Utah 2018, Chapter 3
85 **53G-5-404**, as last amended by Laws of Utah 2018, Chapter 256 and renumbered and
86 amended by Laws of Utah 2018, Chapter 3
87 **53G-5-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
88 **53G-5-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3
89 **53G-5-407**, as last amended by Laws of Utah 2018, Chapters 22, 154 and renumbered
90 and amended by Laws of Utah 2018, Chapter 3
91 **53G-5-408**, as renumbered and amended by Laws of Utah 2018, Chapter 3
92 **53G-5-409 (Effective 01/01/19)**, as last amended by Laws of Utah 2018, Chapter 383
93 and renumbered and amended by Laws of Utah 2018, Chapter 3

94 **53G-5-410**, as last amended by Laws of Utah 2018, Chapter 448
95 **53G-5-411**, as enacted by Laws of Utah 2018, Chapter 3
96 **53G-5-501**, as renumbered and amended by Laws of Utah 2018, Chapter 3
97 **53G-5-502 (Effective 01/01/19)**, as last amended by Laws of Utah 2018, Chapter 383
98 and renumbered and amended by Laws of Utah 2018, Chapter 3
99 **53G-5-503 (Effective 01/01/19)**, as last amended by Laws of Utah 2018, Chapter 383
100 and renumbered and amended by Laws of Utah 2018, Chapter 3
101 **53G-5-504 (Effective 01/01/19)**, as last amended by Laws of Utah 2018, Chapter 383
102 and renumbered and amended by Laws of Utah 2018, Chapter 3
103 **53G-5-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
104 **53G-5-602**, as renumbered and amended by Laws of Utah 2018, Chapter 3
105 **53G-6-201**, as last amended by Laws of Utah 2018, Chapter 69 and renumbered and
106 amended by Laws of Utah 2018, Chapter 3
107 **53G-6-202**, as last amended by Laws of Utah 2018, Chapter 285 and renumbered and
108 amended by Laws of Utah 2018, Chapter 3
109 **53G-6-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
110 **53G-6-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
111 **53G-6-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
112 **53G-6-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3
113 **53G-6-207**, as renumbered and amended by Laws of Utah 2018, Chapter 3
114 **53G-6-208**, as renumbered and amended by Laws of Utah 2018, Chapter 3
115 **53G-6-209**, as renumbered and amended by Laws of Utah 2018, Chapter 3
116 **53G-6-302**, as last amended by Laws of Utah 2018, Chapter 64 and renumbered and
117 amended by Laws of Utah 2018, Chapter 3
118 **53G-6-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
119 **53G-6-305**, as renumbered and amended by Laws of Utah 2018, Chapter 3
120 **53G-6-306**, as renumbered and amended by Laws of Utah 2018, Chapter 3
121 **53G-6-401**, as renumbered and amended by Laws of Utah 2018, Chapter 3
122 **53G-6-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
123 **53G-6-403**, as last amended by Laws of Utah 2018, Chapter 429 and renumbered and
124 amended by Laws of Utah 2018, Chapter 3

125 **53G-6-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
126 **53G-6-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
127 **53G-6-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3
128 **53G-6-407**, as renumbered and amended by Laws of Utah 2018, Chapter 3
129 **53G-6-501**, as enacted by Laws of Utah 2018, Chapter 3
130 **53G-6-502**, as last amended by Laws of Utah 2018, Chapter 380 and renumbered and
131 amended by Laws of Utah 2018, Chapter 3
132 **53G-6-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
133 **53G-6-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
134 **53G-6-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
135 **53G-6-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
136 **53G-6-704**, as renumbered and amended by Laws of Utah 2018, Chapter 3
137 **53G-6-705**, as last amended by Laws of Utah 2018, Chapter 456 and renumbered and
138 amended by Laws of Utah 2018, Chapter 3
139 **53G-6-706**, as renumbered and amended by Laws of Utah 2018, Chapter 3
140 **53G-6-707**, as renumbered and amended by Laws of Utah 2018, Chapter 3
141 **53G-6-708**, as renumbered and amended by Laws of Utah 2018, Chapter 3
142 **53G-6-801**, as renumbered and amended by Laws of Utah 2018, Chapter 3
143 **53G-6-802**, as renumbered and amended by Laws of Utah 2018, Chapter 3
144 **53G-6-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
145 **53G-7-202**, as enacted by Laws of Utah 2018, Chapter 3
146 **53G-7-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
147 **53G-7-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
148 **53G-7-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3
149 **53G-7-208**, as renumbered and amended by Laws of Utah 2018, Chapter 3
150 **53G-7-213**, as renumbered and amended by Laws of Utah 2018, Chapter 3
151 **53G-7-214**, as last amended by Laws of Utah 2018, Chapter 39 and renumbered and
152 amended by Laws of Utah 2018, Chapter 3
153 **53G-7-215**, as renumbered and amended by Laws of Utah 2018, Chapter 3
154 **53G-7-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3

155 **53G-7-303 (Effective 01/01/19)**, as last amended by Laws of Utah 2018, Chapter 101
156 and renumbered and amended by Laws of Utah 2018, Chapter 3
157 **53G-7-304**, as renumbered and amended by Laws of Utah 2018, Chapter 3
158 **53G-7-305**, as renumbered and amended by Laws of Utah 2018, Chapter 3
159 **53G-7-306**, as renumbered and amended by Laws of Utah 2018, Chapter 3
160 **53G-7-307**, as renumbered and amended by Laws of Utah 2018, Chapter 3
161 **53G-7-309**, as renumbered and amended by Laws of Utah 2018, Chapter 3
162 **53G-7-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
163 **53G-7-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
164 **53G-7-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
165 **53G-7-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
166 **53G-7-602**, as renumbered and amended by Laws of Utah 2018, Chapter 3
167 **53G-7-603**, as renumbered and amended by Laws of Utah 2018, Chapter 3
168 **53G-7-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
169 **53G-7-605**, as renumbered and amended by Laws of Utah 2018, Chapter 3
170 **53G-7-606**, as renumbered and amended by Laws of Utah 2018, Chapter 3
171 **53G-7-701**, as renumbered and amended by Laws of Utah 2018, Chapter 3
172 **53G-7-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
173 **53G-7-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
174 **53G-7-704**, as renumbered and amended by Laws of Utah 2018, Chapter 3
175 **53G-7-705**, as renumbered and amended by Laws of Utah 2018, Chapter 3
176 **53G-7-707**, as renumbered and amended by Laws of Utah 2018, Chapter 3
177 **53G-7-708**, as renumbered and amended by Laws of Utah 2018, Chapter 3
178 **53G-7-709**, as renumbered and amended by Laws of Utah 2018, Chapter 3
179 **53G-7-711**, as renumbered and amended by Laws of Utah 2018, Chapter 3
180 **53G-7-712**, as renumbered and amended by Laws of Utah 2018, Chapter 3
181 **53G-7-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
182 **53G-7-901**, as renumbered and amended by Laws of Utah 2018, Chapter 3
183 **53G-7-902**, as renumbered and amended by Laws of Utah 2018, Chapter 3
184 **53G-7-1004**, as renumbered and amended by Laws of Utah 2018, Chapter 3
185 **53G-7-1101**, as renumbered and amended by Laws of Utah 2018, Chapter 3

186 **53G-7-1103**, as renumbered and amended by Laws of Utah 2018, Chapter 3
187 **53G-7-1104**, as renumbered and amended by Laws of Utah 2018, Chapter 3
188 **53G-7-1105**, as renumbered and amended by Laws of Utah 2018, Chapter 3
189 **53G-7-1106**, as renumbered and amended by Laws of Utah 2018, Chapter 3
190 **53G-7-1202**, as last amended by Laws of Utah 2018, Chapters 107 and 448
191 **53G-7-1203**, as last amended by Laws of Utah 2018, Chapter 448
192 **53G-7-1205**, as enacted by Laws of Utah 2018, Chapter 448
193 **53G-7-1206**, as enacted by Laws of Utah 2018, Chapter 448
194 **53G-8-202**, as renumbered and amended by Laws of Utah 2018, Chapter 3
195 **53G-8-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
196 **53G-8-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
197 **53G-8-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
198 **53G-8-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3
199 **53G-8-207**, as renumbered and amended by Laws of Utah 2018, Chapter 3
200 **53G-8-208**, as renumbered and amended by Laws of Utah 2018, Chapter 3
201 **53G-8-209**, as renumbered and amended by Laws of Utah 2018, Chapter 3
202 **53G-8-210**, as renumbered and amended by Laws of Utah 2018, Chapter 3
203 **53G-8-211**, as last amended by Laws of Utah 2018, Chapter 117 and renumbered and
204 amended by Laws of Utah 2018, Chapter 3
205 **53G-8-212**, as renumbered and amended by Laws of Utah 2018, Chapter 3
206 **53G-8-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3
207 **53G-8-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
208 **53G-8-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
209 **53G-8-509**, as renumbered and amended by Laws of Utah 2018, Chapter 3
210 **53G-8-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
211 **53G-8-701**, as renumbered and amended by Laws of Utah 2018, Chapter 3
212 **53G-8-702**, as renumbered and amended by Laws of Utah 2018, Chapter 3
213 **53G-8-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
214 **53G-9-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
215 **53G-9-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3

216 **53G-9-206**, as renumbered and amended by Laws of Utah 2018, Chapter 3
217 **53G-9-207**, as last amended by Laws of Utah 2018, Chapter 209 and renumbered and
218 amended by Laws of Utah 2018, Chapter 3
219 **53G-9-208**, as renumbered and amended by Laws of Utah 2018, Chapter 3
220 **53G-9-301**, as renumbered and amended by Laws of Utah 2018, Chapter 3
221 **53G-9-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3
222 **53G-9-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
223 **53G-9-502**, as renumbered and amended by Laws of Utah 2018, Chapter 3
224 **53G-9-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
225 **53G-9-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3
226 **53G-9-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
227 **53G-9-506**, as renumbered and amended by Laws of Utah 2018, Chapter 3
228 **53G-9-601**, as renumbered and amended by Laws of Utah 2018, Chapter 3
229 **53G-9-604**, as renumbered and amended by Laws of Utah 2018, Chapter 3
230 **53G-9-605**, as renumbered and amended by Laws of Utah 2018, Chapter 3
231 **53G-9-606**, as renumbered and amended by Laws of Utah 2018, Chapter 3
232 **53G-9-607**, as renumbered and amended by Laws of Utah 2018, Chapter 3
233 **53G-9-702**, as last amended by Laws of Utah 2018, Chapter 414 and renumbered and
234 amended by Laws of Utah 2018, Chapter 3
235 **53G-9-703**, as renumbered and amended by Laws of Utah 2018, Chapter 3
236 **53G-9-704**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
237 amended by Laws of Utah 2018, Chapter 3
238 **53G-9-801**, as renumbered and amended by Laws of Utah 2018, Chapter 3
239 **53G-9-802**, as renumbered and amended by Laws of Utah 2018, Chapter 3
240 **53G-9-803**, as renumbered and amended by Laws of Utah 2018, Chapter 3
241 **53G-10-202**, as renumbered and amended by Laws of Utah 2018, Chapter 3
242 **53G-10-204**, as renumbered and amended by Laws of Utah 2018, Chapter 3
243 **53G-10-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
244 **53G-10-302**, as renumbered and amended by Laws of Utah 2018, Chapter 3
245 **53G-10-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
246 **53G-10-304**, as renumbered and amended by Laws of Utah 2018, Chapter 3

247 **53G-10-305**, as enacted by Laws of Utah 2018, Chapter 3
248 **53G-10-402**, as last amended by Laws of Utah 2018, Chapter 224 and renumbered and
249 amended by Laws of Utah 2018, Chapter 3
250 **53G-10-403**, as enacted by Laws of Utah 2018, Chapter 3
251 **53G-10-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
252 **53G-10-406**, as last amended by Laws of Utah 2018, Chapter 249 and renumbered and
253 amended by Laws of Utah 2018, Chapter 3
254 **53G-10-501**, as enacted by Laws of Utah 2018, Chapter 3
255 **53G-10-502**, as last amended by Laws of Utah 2018, Chapter 233 and renumbered and
256 amended by Laws of Utah 2018, Chapter 3
257 **53G-10-503**, as renumbered and amended by Laws of Utah 2018, Chapter 3
258 **53G-10-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
259 **53G-10-506**, as renumbered and amended by Laws of Utah 2018, Chapter 3
260 **53G-10-507**, as renumbered and amended by Laws of Utah 2018, Chapter 3
261 **53G-10-508**, as renumbered and amended by Laws of Utah 2018, Chapter 3
262 **53G-11-203**, as renumbered and amended by Laws of Utah 2018, Chapter 3
263 **53G-11-205**, as renumbered and amended by Laws of Utah 2018, Chapter 3
264 **53G-11-207**, as renumbered and amended by Laws of Utah 2018, Chapter 3
265 **53G-11-303**, as renumbered and amended by Laws of Utah 2018, Chapter 3
266 **53G-11-401**, as renumbered and amended by Laws of Utah 2018, Chapter 3
267 **53G-11-403**, as renumbered and amended by Laws of Utah 2018, Chapter 3
268 **53G-11-404**, as renumbered and amended by Laws of Utah 2018, Chapter 3
269 **53G-11-405**, as renumbered and amended by Laws of Utah 2018, Chapter 3
270 **53G-11-406**, as renumbered and amended by Laws of Utah 2018, Chapter 3
271 **53G-11-407**, as renumbered and amended by Laws of Utah 2018, Chapter 3
272 **53G-11-408**, as renumbered and amended by Laws of Utah 2018, Chapter 3
273 **53G-11-501**, as last amended by Laws of Utah 2018, Chapter 22 and renumbered and
274 amended by Laws of Utah 2018, Chapter 3
275 **53G-11-501.5**, as renumbered and amended by Laws of Utah 2018, Chapter 3
276 **53G-11-504**, as renumbered and amended by Laws of Utah 2018, Chapter 3

277 **53G-11-505**, as renumbered and amended by Laws of Utah 2018, Chapter 3
278 **53G-11-506**, as renumbered and amended by Laws of Utah 2018, Chapter 3
279 **53G-11-507**, as renumbered and amended by Laws of Utah 2018, Chapter 3
280 **53G-11-508**, as renumbered and amended by Laws of Utah 2018, Chapter 3
281 **53G-11-510**, as renumbered and amended by Laws of Utah 2018, Chapter 3
282 **53G-11-511**, as renumbered and amended by Laws of Utah 2018, Chapter 3
283 **53G-11-512**, as renumbered and amended by Laws of Utah 2018, Chapter 3
284 **53G-11-518**, as renumbered and amended by Laws of Utah 2018, Chapter 3
285 **63G-2-302**, as last amended by Laws of Utah 2018, Chapters 206, 281, 415, and 461
286 **63J-1-220**, as last amended by Laws of Utah 2018, Chapters 415 and 456

287
288 *Be it enacted by the Legislature of the state of Utah:*

289 Section 1. Section **53G-3-202** is amended to read:

290 **53G-3-202. School districts independent of municipal and county governments --**
291 **School district name -- Control of property.**

292 (1) (a) Each school district shall be controlled by its ~~[board of education]~~ local school
293 board and shall be independent of municipal and county governments.

294 (b) The name of each school district created after May 1, 2000, shall comply with
295 Subsection 17-50-103(2)(a).

296 (2) The local school board shall have direction and control of all school property in the
297 district.

298 (3) (a) Each school district shall register and maintain the school district's registration
299 as a limited purpose entity, in accordance with Section 67-1a-15.

300 (b) A school district that fails to comply with Subsection (3)(a) or Section 67-1a-15 is
301 subject to enforcement by the state auditor, in accordance with Section 67-3-1.

302 Section 2. Section **53G-3-301** is amended to read:

303 **53G-3-301. Creation of new school district -- Initiation of process -- Procedures**
304 **to be followed.**

305 (1) A new school district may be created from one or more existing school districts, as
306 provided in this section.

307 (2) The process to create a new school district may be initiated:

(a) through a citizens' initiative petition;

(b) at the request of the local school board of the existing district or districts to be affected by the creation of the new district; or

(c) at the request of a city within the boundaries of the school district or at the request of interlocal agreement participants, pursuant to Section 53G-3-302.

(3) (a) An initiative petition submitted under Subsection (2)(a) shall be signed by qualified electors residing within the geographical boundaries of the proposed new school district in an amount equal to at least 15% of all votes cast within the geographic boundaries of the proposed new school district for all candidates for president of the United States at the last regular general election at which a president of the United States was elected.

(b) Each request or petition submitted under Subsection (2) shall:

(i) be filed with the clerk of each county in which any part of the proposed new school district is located;

(ii) indicate the typed or printed name and current residence address of each governing board member making a request, or registered voter signing a petition, as the case may be;

(iii) describe the proposed new school district boundaries; and

(iv) designate up to five signers of the petition or request as sponsors, one of whom shall be designated as the contact sponsor, with the mailing address and telephone number of each.

(c) The process described in Subsection (2)(a) may only be initiated once during any four-year period.

(d) A new district may not be formed under Subsection (2) if the student population of the proposed new district is less than 3,000 or the existing district's student population would be less than 3,000 because of the creation of the new school district.

(4) A signer of a petition described in Subsection (2)(a) may withdraw or, once withdrawn, reinstate the signer's signature at any time before the filing of the petition by filing a written request for withdrawal or reinstatement with the county clerk.

(5) Within 45 days after the day on which a petition described in Subsection (2)(a) is filed, or five business days after the day on which a request described in Subsection (2)(b) or

(c) is filed, the clerk of each county with which the request or petition is filed shall:

(a) determine whether the request or petition complies with Subsections (2) and (3), as

339 applicable; and

340 (b) (i) if the county clerk determines that the request or petition complies with the
341 applicable requirements:

342 (A) certify the request or petition and deliver the certified request or petition to the
343 county legislative body; and

344 (B) mail or deliver written notification of the certification to the contact sponsor; or

345 (ii) if the county clerk determines that the request or petition fails to comply with any
346 of the applicable requirements, reject the request or petition and notify the contact sponsor in
347 writing of the rejection and reasons for the rejection.

348 (6) (a) If the county clerk fails to certify or reject a request or petition within the time
349 specified in Subsection (5), the request or petition is considered to be certified.

350 (b) (i) If the county clerk rejects a request or petition, the person that submitted the
351 request or petition may amend the request or petition to correct the deficiencies for which the
352 request or petition was rejected, and refile the request or petition.

353 (ii) Subsection (3)(c) does not apply to a request or petition that is amended and refiled
354 after having been rejected by a county clerk.

355 (c) If, on or before December 1, a county legislative body receives a request from a
356 local school board under Subsection (2)(b) or a petition under Subsection (2)(a) that is certified
357 by the county clerk:

358 (i) the county legislative body shall appoint an ad hoc advisory committee, as provided
359 in Subsection (7), on or before January 1;

360 (ii) the ad hoc advisory committee shall submit its report and recommendations to the
361 county legislative body, as provided in Subsection (7), on or before July 1; and

362 (iii) if the legislative body of each county with which a request or petition is filed
363 approves a proposal to create a new district, each legislative body shall submit the proposal to
364 the respective county clerk to be voted on by the electors of each existing district at the regular
365 general or municipal general election held in November.

366 (7) (a) The legislative body of each county with which a request or petition is filed
367 shall appoint an ad hoc advisory committee to review and make recommendations on a request
368 for the creation of a new school district submitted under Subsection (2)(a) or (b).

369 (b) The advisory committee shall:

370 (i) seek input from:
371 (A) those requesting the creation of the new school district;
372 (B) the local school board and school personnel of each existing school district;
373 (C) those citizens residing within the geographical boundaries of each existing school
374 district;
375 (D) the [~~State Board of Education~~] state board; and
376 (E) other interested parties;
377 (ii) review data and gather information on at least:
378 (A) the financial viability of the proposed new school district;
379 (B) the proposal's financial impact on each existing school district;
380 (C) the exact placement of school district boundaries; and
381 (D) the positive and negative effects of creating a new school district and whether the
382 positive effects outweigh the negative if a new school district were to be created; and
383 (iii) make a report to the county legislative body in a public meeting on the committee's
384 activities, together with a recommendation on whether to create a new school district.
385 (8) For a request or petition submitted under Subsection (2)(a) or (b):
386 (a) The county legislative body shall provide for a 45-day public comment period on
387 the report and recommendation to begin on the day the report is given under Subsection
388 (7)(b)(iii).
389 (b) Within 14 days after the end of the comment period, the legislative body of each
390 county with which a request or petition is filed shall vote on the creation of the proposed new
391 school district.
392 (c) The proposal is approved if a majority of the members of the legislative body of
393 each county with which a request or petition is filed votes in favor of the proposal.
394 (d) If the proposal is approved, the legislative body of each county with which a
395 request or petition is filed shall submit the proposal to the county clerk to be voted on:
396 (i) by the legal voters of each existing school district affected by the proposal;
397 (ii) in accordance with the procedures and requirements applicable to a regular general
398 election under Title 20A, Election Code; and
399 (iii) at the next regular general election or municipal general election, whichever is
400 first.

(e) Creation of the new school district shall occur if a majority of the electors within both the proposed school district and each remaining school district voting on the proposal vote in favor of the creation of the new district.

(f) Each county legislative body shall comply with the requirements of Section 53G-3-203.

(g) If a proposal submitted under Subsection (2)(a) or (b) to create a new district is approved by the electors, the existing district's documented costs to study and implement the proposal shall be reimbursed by the new district.

(9) (a) If a proposal submitted under Subsection (2)(c) is certified under Subsection (5) or (6)(a), the legislative body of each county in which part of the proposed new school district is located shall submit the proposal to the respective clerk of each county to be voted on:

(i) by the legal voters residing within the proposed new school district boundaries;

(ii) in accordance with the procedures and requirements applicable to a regular general election under Title 20A, Election Code; and

(iii) at the next regular general election or municipal general election, whichever is first.

(b) (i) If a majority of the legal voters within the proposed new school district boundaries voting on the proposal at an election under Subsection (9)(a) vote in favor of the creation of the new district:

(A) each county legislative body shall comply with the requirements of Section 53G-3-203; and

(B) upon the lieutenant governor's issuance of the certificate under Section 67-1a-6.5, the new district is created.

(ii) Notwithstanding the creation of a new district as provided in Subsection (9)(b)(i)(B):

(A) a new school district may not begin to provide educational services to the area within the new district until July 1 of the second calendar year following the local school board general election date described in Subsection 53G-3-302(3)(a)(i);

(B) a remaining district may not begin to provide educational services to the area within the remaining district until the time specified in Subsection (9)(b)(ii)(A); and

(C) each existing district shall continue, until the time specified in Subsection

(9)(b)(ii)(A), to provide educational services within the entire area covered by the existing district.

Section 3. Section **53G-3-302** is amended to read:

53G-3-302. Proposal initiated by a city or by interlocal agreement participants to create a school district -- Boundaries -- Election of local school board members -- Allocation of assets and liabilities -- Startup costs -- Transfer of title.

(1) (a) After conducting a feasibility study, a city with a population of at least 50,000, as determined by the lieutenant governor using the process described in Subsection 67-1a-2(3), may by majority vote of the legislative body, submit for voter approval a measure to create a new school district with boundaries contiguous with that city's boundaries, in accordance with Section 53G-3-301.

(b) (i) The determination of all matters relating to the scope, adequacy, and other aspects of a feasibility study under Subsection (1)(a) is within the exclusive discretion of the city's legislative body.

(ii) An inadequacy of a feasibility study under Subsection (1)(a) may not be the basis of a legal action or other challenge to:

(A) an election for voter approval of the creation of a new school district; or

(B) the creation of the new school district.

(2) (a) By majority vote of the legislative body, a city of any class, a town, or a county, may, together with one or more other cities, towns, or the county enter into an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose of submitting for voter approval a measure to create a new school district.

(b) (i) In accordance with Section 53G-3-301, interlocal agreement participants under Subsection (2)(a) may submit a proposal for voter approval if:

(A) the interlocal agreement participants conduct a feasibility study prior to submitting the proposal to the county;

(B) the combined population within the proposed new school district boundaries is at least 50,000;

(C) the new school district boundaries:

(I) are contiguous;

(II) do not completely surround or otherwise completely geographically isolate a

portion of an existing school district that is not part of the proposed new school district from the remaining part of that existing school district, except as provided in Subsection (2)(d)(iii);

(III) include the entire boundaries of each participant city or town, except as provided in Subsection (2)(d)(ii); and

(IV) subject to Subsection (2)(b)(ii), do not cross county lines; and

(D) the combined population within the proposed new school district of interlocal agreement participants that have entered into an interlocal agreement proposing to create a new school district is at least 80% of the total population of the proposed new school district.

(ii) The determination of all matters relating to the scope, adequacy, and other aspects of a feasibility study under Subsection (2)(b)(i)(A), including whether to conduct a new feasibility study or revise a previous feasibility study due to a change in the proposed new school district boundaries, is within the exclusive discretion of the legislative bodies of the interlocal agreement participants that enter into an interlocal agreement to submit for voter approval a measure to create a new school district.

(iii) An inadequacy of a feasibility study under Subsection (2)(b)(i)(A) may not be the basis of a legal action or other challenge to:

(A) an election for voter approval of the creation of a new school district; or

(B) the creation of the new school district.

(iv) For purposes of determining whether the boundaries of a proposed new school district cross county lines under Subsection (2)(b)(i)(C)(IV):

(A) a municipality located in more than one county and entirely within the boundaries of a single school district is considered to be entirely within the same county as other participants in an interlocal agreement under Subsection (2)(a) if more of the municipality's land area and population is located in that same county than outside the county; and

(B) a municipality located in more than one county that participates in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area within the municipality's boundaries on the basis of the exception stated in Subsection (2)(d)(ii)(B) may not be considered to cross county lines.

(c) (i) A county may only participate in an interlocal agreement under this Subsection (2) for the unincorporated areas of the county.

(ii) Boundaries of a new school district created under this section may include:

494 (A) a portion of one or more existing school districts; and
495 (B) a portion of the unincorporated area of a county, including a portion of a township.
496 (d) (i) As used in this Subsection (2)(d):
497 (A) "Isolated area" means an area that:
498 (I) is entirely within the boundaries of a municipality that, except for that area, is
499 entirely within a school district different than the school district in which the area is located;
500 and
501 (II) would, because of the creation of a new school district from the existing district in
502 which the area is located, become completely geographically isolated.
503 (B) "Municipality's school district" means the school district that includes all of the
504 municipality in which the isolated area is located except the isolated area.
505 (ii) Notwithstanding Subsection (2)(b)(i)(C)(III), a municipality may be a participant in
506 an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area
507 within the municipality's boundaries if:
508 (A) the portion of the municipality proposed to be included in the new school district
509 would, if not included, become an isolated area upon the creation of the new school district; or
510 (B) (I) the portion of the municipality proposed to be included in the new school
511 district is within the boundaries of the same school district that includes the other interlocal
512 agreement participants; and
513 (II) the portion of the municipality proposed to be excluded from the new school
514 district is within the boundaries of a school district other than the school district that includes
515 the other interlocal agreement participants.
516 (iii) (A) Notwithstanding Subsection (2)(b)(i)(C)(II), a proposal to create a new school
517 district may be submitted for voter approval pursuant to an interlocal agreement under
518 Subsection (2)(a), even though the new school district boundaries would create an isolated
519 area, if:
520 (I) the potential isolated area is contiguous to one or more of the interlocal agreement
521 participants;
522 (II) the interlocal participants submit a written request to the municipality in which the
523 potential isolated area is located, requesting the municipality to enter into an interlocal
524 agreement under Subsection (2)(a) that proposes to submit for voter approval a measure to

create a new school district that includes the potential isolated area; and

(III) 90 days after a request under Subsection (2)(d)(iii)(A)(II) is submitted, the municipality has not entered into an interlocal agreement as requested in the request.

(B) Each municipality receiving a request under Subsection (2)(d)(iii)(A)(II) shall hold one or more public hearings to allow input from the public and affected school districts regarding whether or not the municipality should enter into an interlocal agreement with respect to the potential isolated area.

(C) (I) This Subsection (2)(d)(iii)(C) applies if:

(Aa) a new school district is created under this section after a measure is submitted to voters based on the authority of Subsection (2)(d)(iii)(A); and

(Bb) the creation of the new school district results in an isolated area.

(II) The isolated area shall, on July 1 of the second calendar year following the local school board general election date described in Subsection (3)(a)(i), become part of the municipality's school district.

(III) Unless the isolated area is the only remaining part of the existing district, the process described in Subsection (4) shall be modified to:

(Aa) include a third transition team, appointed by the local school board of the municipality's school district, to represent that school district; and

(Bb) require allocation of the existing district's assets and liabilities among the new district, the remaining district, and the municipality's school district.

(IV) The existing district shall continue to provide educational services to the isolated area until July 1 of the second calendar year following the local school board general election date described in Subsection (3)(a)(i).

(3) (a) If a proposal under this section is approved by voters:

(i) an election shall be held at the next regular general election to elect:

(A) members to the local school board of the existing school district whose terms are expiring;

(B) all members to the local school board of the new school district; and

(C) all members to the local school board of the remaining district;

(ii) the assets and liabilities of the existing school district shall be divided between the remaining school district and the new school district as provided in Subsection (5) and Section

556 53G-3-307;

557 (iii) transferred employees shall be treated in accordance with Sections 53G-3-205 and

558 53G-3-308;

559 (iv) (A) an individual residing within the boundaries of a new school district at the

560 time the new school district is created may, for six school years after the creation of the new

561 school district, elect to enroll in a secondary school located outside the boundaries of the new

562 school district if:

563 (I) the individual resides within the boundaries of that secondary school as of the day

564 before the new school district is created; and

565 (II) the individual would have been eligible to enroll in that secondary school had the

566 new school district not been created; and

567 (B) the school district in which the secondary school is located shall provide

568 educational services, including, if provided before the creation of the new school district,

569 busing, to each individual making an election under Subsection (3)(a)(iv)(A) for each school

570 year for which the individual makes the election; and

571 (v) within one year after the new district begins providing educational services, the

572 superintendent of each remaining district affected and the superintendent of the new district

573 shall meet, together with the [~~Superintendent of Public Instruction~~] state superintendent, to

574 determine if further boundary changes should be proposed in accordance with Section

575 53G-3-501.

576 (b) (i) The terms of the initial members of the local school board of the new district and

577 remaining district shall be staggered and adjusted by the county legislative body so that

578 approximately half of the local school board is elected every two years.

579 (ii) The term of a member of the existing local school board, including a member

580 elected under Subsection (3)(a)(i)(A), terminates on July 1 of the second year after the local

581 school board general election date described in Subsection (3)(a)(i), regardless of when the

582 term would otherwise have terminated.

583 (iii) Notwithstanding the existence of a local school board for the new district and a

584 local school board for the remaining district under Subsection (3)(a)(i), the local school board

585 of the existing district shall continue, until the time specified in Subsection

586 53G-3-301(9)(b)(ii)(A), to function and exercise authority as a local school board to the extent

587 necessary to continue to provide educational services to the entire existing district.

588 (iv) An individual may simultaneously serve as or be elected to be a member of the

589 local school board of an existing district and a member of the local school board of:

590 (A) a new district; or

591 (B) a remaining district.

592 (4) (a) Within 45 days after the canvass date for the election at which voters approve

593 the creation of a new district:

594 (i) a transition team to represent the remaining district shall be appointed by the

595 members of the existing local school board who reside within the area of the remaining district,

596 in consultation with:

597 (A) the legislative bodies of all municipalities in the area of the remaining district; and

598 (B) the legislative body of the county in which the remaining district is located, if the

599 remaining district includes one or more unincorporated areas of the county; and

600 (ii) another transition team to represent the new district shall be appointed by:

601 (A) for a new district located entirely within the boundaries of a single city, the

602 legislative body of that city; or

603 (B) for each other new district, the legislative bodies of all interlocal agreement

604 participants.

605 (b) The local school board of the existing school district shall, within 60 days after the

606 canvass date for the election at which voters approve the creation of a new district:

607 (i) prepare an inventory of the existing district's:

608 (A) assets, both tangible and intangible, real and personal; and

609 (B) liabilities; and

610 (ii) deliver a copy of the inventory to each of the transition teams.

611 (c) The transition teams appointed under Subsection (4)(a) shall:

612 (i) determine the allocation of the existing district's assets and, except for indebtedness

613 under Section 53G-3-307, liabilities between the remaining district and the new district in

614 accordance with Subsection (5);

615 (ii) prepare a written report detailing how the existing district's assets and, except for

616 indebtedness under Section 53G-3-307, liabilities are to be allocated; and

617 (iii) deliver a copy of the written report to:

618 (A) the local school board of the existing district;
619 (B) the local school board of the remaining district; and
620 (C) the local school board of the new district.

621 (d) The transition teams shall determine the allocation under Subsection (4)(c)(i) and
622 deliver the report required under Subsection (4)(c)(ii) before August 1 of the year following the
623 election at which voters approve the creation of a new district, unless that deadline is extended
624 by the mutual agreement of:

625 (i) the local school board of the existing district; and
626 (ii) (A) the legislative body of the city in which the new district is located, for a new
627 district located entirely within a single city; or
628 (B) the legislative bodies of all interlocal agreement participants, for each other new
629 district.

630 (e) (i) All costs and expenses of the transition team that represents a remaining district
631 shall be borne by the remaining district.

632 (ii) All costs and expenses of the transition team that represents a new district shall
633 initially be borne by:

634 (A) the city whose legislative body appoints the transition team, if the transition team
635 is appointed by the legislative body of a single city; or
636 (B) the interlocal agreement participants, if the transition team is appointed by the
637 legislative bodies of interlocal agreement participants.

638 (iii) The new district may, to a maximum of \$500,000, reimburse the city or interlocal
639 agreement participants for:

640 (A) transition team costs and expenses; and
641 (B) startup costs and expenses incurred by the city or interlocal agreement participants
642 on behalf of the new district.

643 (5) (a) As used in this Subsection (5):

644 (i) "Associated property" means furniture, equipment, or supplies located in or
645 specifically associated with a physical asset.

646 (ii) (A) "Discretionary asset or liability" means, except as provided in Subsection
647 (5)(a)(ii)(B), an asset or liability that is not tied to a specific project, school, student, or
648 employee by law or school district accounting practice.

(B) "Discretionary asset or liability" does not include a physical asset, associated property, a vehicle, or bonded indebtedness.

(iii) (A) "Nondiscretionary asset or liability" means, except as provided in Subsection (5)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee by law or school district accounting practice.

(B) "Nondiscretionary asset or liability" does not include a physical asset, associated property, a vehicle, or bonded indebtedness.

(iv) "Physical asset" means a building, land, or water right together with revenue derived from the lease or use of the building, land, or water right.

(b) Except as provided in Subsection (5)(c), the transition teams appointed under Subsection (4)(a) shall allocate all assets and liabilities the existing district owns on the allocation date, both tangible and intangible, real and personal, to the new district and remaining district as follows:

(i) a physical asset and associated property shall be allocated to the school district in which the physical asset is located;

(ii) a discretionary asset or liability shall be allocated between the new district and remaining district in proportion to the student populations of the school districts;

(iii) a nondiscretionary asset shall be allocated to the school district where the project, school, student, or employee to which the nondiscretionary asset is tied will be located;

(iv) vehicles used for pupil transportation shall be allocated:

(A) according to the transportation needs of schools, as measured by the number and assortment of vehicles used to serve transportation routes serving schools within the new district and remaining district; and

(B) in a manner that gives each school district a fleet of vehicles for pupil transportation that is equivalent in terms of age, condition, and variety of carrying capacities; and

(v) other vehicles shall be allocated:

(A) in proportion to the student populations of the school districts; and

(B) in a manner that gives each district a fleet of vehicles that is similar in terms of age, condition, and carrying capacities.

(c) By mutual agreement, the transition teams may allocate an asset or liability in a

manner different than the allocation method specified in Subsection (5)(b).

(6) (a) As used in this Subsection (6):

(i) "New district startup costs" means:

(A) costs and expenses incurred by a new district in order to prepare to begin providing educational services on July 1 of the second calendar year following the local school board general election date described in Subsection (3)(a)(i); and

(B) the costs and expenses of the transition team that represents the new district.

(ii) "Remaining district startup costs" means:

(A) costs and expenses incurred by a remaining district in order to:

(I) make necessary adjustments to deal with the impacts resulting from the creation of the new district; and

(II) prepare to provide educational services within the remaining district once the new district begins providing educational services within the new district; and

(B) the costs and expenses of the transition team that represents the remaining district.

(b) (i) By January 1 of the year following the local school board general election date described in Subsection (3)(a)(i), the existing district shall make half of the undistributed reserve from its General Fund, to a maximum of \$9,000,000, available for the use of the remaining district and the new district, as provided in this Subsection (6).

(ii) The existing district may make additional funds available for the use of the remaining district and the new district beyond the amount specified in Subsection (6)(b)(i) through an interlocal agreement.

(c) The existing district shall make the money under Subsection (6)(b) available to the remaining district and the new district proportionately based on student population.

(d) The money made available under Subsection (6)(b) may be accessed and spent by:

(i) for the remaining district, the local school board of the remaining district; and

(ii) for the new district, the local school board of the new district.

(e) (i) The remaining district may use its portion of the money made available under Subsection (6)(b) to pay for remaining district startup costs.

(ii) The new district may use its portion of the money made available under Subsection (6)(b) to pay for new district startup costs.

(7) (a) The existing district shall transfer title or, if applicable, partial title of property

to the new school district in accordance with the allocation of property by the transition teams, as stated in the report under Subsection (4)(c)(ii).

(b) The existing district shall complete each transfer of title or, if applicable, partial title to real property and vehicles by July 1 of the second calendar year following the local school board general election date described in Subsection (3)(a)(i), except as that date is changed by the mutual agreement of:

- (i) the local school board of the existing district;
- (ii) the local school board of the remaining district; and
- (iii) the local school board of the new district.

(c) The existing district shall complete the transfer of all property not included in Subsection (7)(b) by November 1 of the second calendar year after the local school board general election date described in Subsection (3)(a)(i).

(8) Except as provided in Subsections (6) and (7), after the creation election date an existing school district may not transfer or agree to transfer title to district property without the prior consent of:

(a) the legislative body of the city in which the new district is located, for a new district located entirely within a single city; or

(b) the legislative bodies of all interlocal agreement participants, for each other new district.

(9) This section does not apply to the creation of a new district initiated through a citizens' initiative petition or at the request of a local school board under Section 53G-3-301.

Section 4. Section **53G-3-305** is amended to read:

53G-3-305. Reapportionment -- Local school board membership.

(1) Upon the creation of a new school district, the county legislative body shall reapportion the affected school districts pursuant to Section 20A-14-201.

(2) Except as provided in Section 53G-3-302, local school board membership in the affected school districts shall be determined under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.

Section 5. Section **53G-3-306** is amended to read:

53G-3-306. Transfer of school property to new school district.

(1) (a) (i) On July 1 of the year following the local school board elections for a new

district created pursuant to a citizens' initiative petition or local school board request under Section 53G-3-301 and an existing district as provided in Section 53G-3-305, the local school board of the existing district shall convey and deliver to the local school board of the new district all school property which the new district is entitled to receive.

(ii) Any disagreements as to the disposition of school property shall be resolved by the county legislative body.

(iii) Subsection (1)(a)(ii) does not apply to disagreements between transition teams about the proper allocation of property under Subsection 53G-3-302(4).

(b) An existing district shall transfer property to a new district created under Section 53G-3-302 in accordance with Section 53G-3-302.

(2) Title vests in the new local school board, including all rights, claims, and causes of action to or for the property, for the use or the income from the property, for conversion, disposition, or withholding of the property, or for any damage or injury to the property.

(3) The new local school board may bring and maintain actions to recover, protect, and preserve the property and rights of the district's schools and to enforce contracts.

Section 6. Section **53G-3-307** is amended to read:

53G-3-307. Tax to pay for indebtedness of divided school district.

(1) (a) For a new district created prior to May 10, 2011, the local school boards of the remaining and new districts shall determine the portion of the divided school district's bonded indebtedness and other indebtedness for which the property within the new district remains subject to the levy of taxes to pay a proportionate share of the divided school district's outstanding indebtedness.

(b) The proportionate share of the divided school district's outstanding indebtedness for which property within the new district remains subject to the levy of taxes shall be calculated by determining the proportion that the total assessed valuation of the property within the new district bears to the total assessed valuation of the divided school district:

(i) in the year immediately preceding the date the new district was created; or

(ii) at a time mutually agreed upon by the local school boards of the new district and the remaining district.

(c) The agreement reflecting the determinations made under this Subsection (1) shall take effect upon being filed with the county legislative body and the [State Board of Education]

773 state board.

774 (2) (a) Except as provided in Subsection (2)(b), the local school board of a new district
775 created prior to May 10, 2011, shall levy a tax on property within the new district sufficient to
776 pay the new district's proportionate share of the indebtedness determined under Subsection (1).

777 (b) If a new district has money available to pay the new district's proportionate share of
778 the indebtedness determined under Subsection (1), the new district may abate a property tax to
779 the extent of money available.

780 (3) As used in Subsections (4) and (5), "outstanding bonded indebtedness" means debt
781 owed for a general obligation bond issued by the divided school district:

782 (a) prior to the creation of the new district; or

783 (b) in accordance with a mutual agreement of the local school boards of the remaining
784 and new districts under Subsection (6).

785 (4) If a new district is created on or after May 10, 2011, property within the new
786 district and the remaining district is subject to the levy of a tax to pay the divided school
787 district's outstanding bonded indebtedness as provided in Subsection (5).

788 (5) (a) Except as provided in Subsection (5)(b), the local school board of the new
789 district and the local school board of the remaining district shall impose a tax levy at a rate that:

790 (i) generates from the combined districts the amount of revenue required each year to
791 meet the outstanding bonded indebtedness of the divided school district; and

792 (ii) is uniform within the new district and remaining district.

793 (b) A local school board of a new district may abate a property tax required to be
794 imposed under Subsection (5)(a) to the extent the new district has money available to pay to
795 the remaining district the amount of revenue that would be generated within the new district
796 from the tax rate specified in Subsection (5)(a).

797 (6) (a) The local school boards of the remaining and new districts shall determine by
798 mutual agreement the disposition of bonds approved but not issued by the divided school
799 district before the creation of the new district based primarily on the representation made to the
800 voters at the time of the bond election.

801 (b) Before a determination is made under Subsection (6)(a), a remaining district may
802 not issue bonds approved but not issued before the creation of the new district if property in the
803 new district would be subject to the levy of a tax to pay the bonds.

Section 7. Section **53G-3-308** is amended to read:

53G-3-308. Employees of a new district.

(1) Upon the creation of a new district:

(a) an employee of an existing district who is employed at a school that is transferred to the new district shall become an employee of the new district; and

(b) the local school board of the new district shall:

(i) have discretion in the hiring of all other staff;

(ii) adopt the personnel policies and practices of the existing district, including salary schedules and benefits; and

(iii) enter into agreements with employees of the new district, or their representatives, that have the same terms as those in the negotiated agreements between the existing district and its employees.

(2) (a) Subject to Subsection (2)(b), an employee of a school district from which a new district is created who becomes an employee of the new district shall retain the same status as a career or provisional employee with accrued seniority and accrued benefits.

(b) Subsection (2)(a) applies to:

(i) employees of an existing district who are transferred to a new district pursuant to Subsection (1)(a); and

(ii) employees of a school district from which a new district is created who are hired by the new district within one year of the date of the creation of the new district.

(3) An employee who is transferred to a new district pursuant to Subsection (1)(a) and is rehired by the existing district within one year of the date of the creation of the new district shall, when rehired by the existing district, retain the same status as a career or provisional employee with accrued seniority and accrued benefits.

Section 8. Section **53G-3-401** is amended to read:

53G-3-401. Consolidation of school districts -- Resolution by local school board members -- Petition by electors -- Election.

(1) Two or more school districts may unite and form a single school district in one of the following ways:

(a) a majority of the members of each of the local school boards [~~of education~~] of the affected districts shall approve and present to the county legislative body of the affected

counties a resolution to consolidate the districts. Once this is done, consolidation shall be established under this chapter; or

(b) a majority of the members of the local school board [~~of education~~] of each affected district, or 15% of the qualified electors in each of the affected districts, shall sign and present a petition to the county legislative body of each affected county. The question shall be voted upon at an election called for that purpose, which shall be the next general or municipal election. Consolidation shall occur if a majority of those voting on the question in each district favor consolidation.

(2) The elections required under Subsection (1)(b) shall be conducted and the returns canvassed as provided by election laws.

Section 9. Section **53G-3-402** is amended to read:

53G-3-402. Transfer of property to new school district -- Rights and obligations of new local school board -- Outstanding indebtedness -- Special tax.

(1) On July 1 following the approval of the creation of a new school district under Section 53G-3-401, the local school boards of the former districts shall convey and deliver all school property to the local school board of the new district. Title vests in the new local school board. All rights, claims, and causes of action to or for the property, for the use or the income from the property, for conversion, disposition, or withholding of the property, or for any damage or injury to the property vest at once in the new local school board.

(2) The new local school board may bring and maintain actions to recover, protect, and preserve the property and rights of the district schools and to enforce contracts.

(3) The new local school board shall assume and be liable for all outstanding debts and obligations of each of the former school districts.

(4) All of the bonded indebtedness, outstanding debts, and obligations of a former district, which cannot be reasonably paid from the assets of the former district, shall be paid by a special tax levied by the new local school board as needed. The tax shall be levied upon the property within the former district which was liable for the indebtedness at the time of consolidation. If bonds are approved in the new district under Section 53G-4-603, the special tax shall be discontinued and the bonded indebtedness paid as any other bonded indebtedness of the new district.

(5) Bonded indebtedness of a former district which has been refunded shall be paid in

the same manner as that which the new district assumes under Section 53G-4-602.

(6) State funds received by the new district under Section 53F-3-202 may be applied toward the payment of outstanding bonded indebtedness of a former district in the same proportion as the bonded indebtedness of the territory within the former district bears to the total bonded indebtedness of the districts combined.

Section 10. Section **53G-3-404** is amended to read:

53G-3-404. Additional levies -- Local school board options to abolish or continue after consolidation.

(1) If a school district that has approved an additional levy under Section 53F-8-301 is consolidated with a district which does not have such a levy, the local school board [~~of education~~] of the consolidated district may choose to abolish the levy, or apply it in whole or in part to the entire consolidated district.

(2) If the local school board chooses to apply any part of the levy to the entire district, the levy may continue in force for no more than three years, unless approved by the electors of the consolidated district in the manner set forth in Section 53F-8-301.

Section 11. Section **53G-3-501** is amended to read:

53G-3-501. Transfer of a portion of a school district -- State board resolution -- Local school board petition -- Elector petition -- Transfer election.

(1) Part of a school district may be transferred to another district in one of the following ways:

(a) presentation to the county legislative body of each of the affected counties of a resolution requesting the transfer, approved by at least four-fifths of the members of the local school board [~~of education~~] of each affected school district;

(b) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by a majority of the members of the local school board of each affected school district; or

(c) presentation to the county legislative body of each affected county of a petition requesting that the electors vote on the transfer, signed by 15% of the qualified electors in each of the affected school districts within that county.

(2) (a) If an annexation of property by a city would result in its residents being served by more than one school district, then the presidents of the affected local school boards shall

meet within 60 days prior to the effective date of the annexation to determine whether it would be advisable to adjust school district boundaries to permit all residents of the expanded city to be served by a single school district.

(b) Upon conclusion of the meeting, the local school board presidents shall prepare a recommendation for presentation to their respective local school boards as soon as reasonably possible.

(c) The local school boards may then initiate realignment proceedings under Subsection (1)(a) or (b).

(d) If a local school board rejects realignment under Subsection (1)(a) or (b), the other local school board may initiate the following procedures by majority vote within 60 days of the vote rejecting realignment:

(i) (A) within 30 days after a vote to initiate these procedures, each local school board shall appoint one member to a boundary review committee; or

(B) if the local school board becomes deadlocked in selecting the appointee under Subsection (2)(d)(i)(A), the local school board's chair shall make the appointment or serve as the appointee to the review committee.

(ii) The two local school board-appointed members of the committee shall meet and appoint a third member of the committee.

(iii) If the two local school board-appointed members are unable to agree on the appointment of a third member within 30 days after both are appointed, the ~~[State Superintendent of Public Instruction]~~ state superintendent shall appoint the third member.

(iv) The committee shall meet as necessary to prepare recommendations concerning resolution of the realignment issue, and shall submit the recommendations to the affected local school boards within six months after the appointment of the third member of the committee.

(v) If a majority of the members of each local school board accepts the recommendation of the committee, or accepts the recommendation after amendment by the local school boards, then the accepted recommendation shall be implemented.

(vi) If the committee fails to submit its recommendation within the time allotted, or if one local school board rejects the recommendation, the affected local school boards may agree to extend the time for the committee to prepare an acceptable recommendation or either local school board may request the ~~[State Board of Education]~~ state board to resolve the question.

(vii) If the committee has submitted a recommendation which the state board finds to be reasonably supported by the evidence, the state board shall adopt the committee's recommendation.

(viii) The decision of the state board is final.

(3) (a) The electors of each affected district shall vote on the transfer requested under Subsection (1)(b) or (c) at an election called for that purpose, which may be the next general election.

(b) The election shall be conducted and the returns canvassed as provided by election law.

(c) A transfer is effected only if a majority of votes cast by the electors in both the proposed transferor district and in the proposed transferee district are in favor of the transfer.

Section 12. Section **53G-3-502** is amended to read:

53G-3-502. Transfer of school district property -- Indebtedness on transferred property.

(1) If a transfer of a portion of one school district to another school district is approved under Section 53G-3-501, the state superintendent and the superintendents and presidents of the local school boards [~~of education~~] of each of the affected school districts shall determine the basis for a transfer of all school property reasonably and fairly allocable to that portion being transferred.

(2) (a) Title to property transferred vests in the transferee local school board [~~of education~~].

(b) The transfer of a school building that is in operation at the time of determination shall be made at the close of a fiscal year.

(c) The transfer of all other school property shall be made five days after approval of the transfer of territory under Section 53G-3-501.

(3) (a) The individuals referred to in Subsection (1) shall determine the portion of bonded indebtedness and other indebtedness of the transferor local school board for which the transferred property remains subject to the levy of taxes to pay a proportionate share of the outstanding indebtedness of the transferor local school board.

(b) This is done by:

(i) determining the amount of the outstanding bonded indebtedness and other

959 indebtedness of the transferor local school board [~~of education~~];

960 (ii) determining the total taxable value of the property of the transferor district and the
961 taxable value of the property to be transferred; and

962 (iii) calculating the portion of the indebtedness of the transferor local school board for
963 which the transferred portion retains liability.

964 (4) (a) The agreement reflecting these determinations takes effect upon being filed with
965 the [~~State Board of Education~~] state board.

966 (b) The transferred property remains subject to the levy of taxes to pay a proportionate
967 share of the outstanding indebtedness of the transferor local school board.

968 (c) The transferee local school board may assume the obligation to pay the
969 proportionate share of the transferor local school board's indebtedness that has been determined
970 under Subsection (3) to be the obligation of the transferred portion by the approval of a
971 resolution by a majority of the qualified electors of the transferee school district at an election
972 called and held for that purpose under Title 11, Chapter 14, Local Government Bonding Act.

973 (5) If the transferee school district assumes the obligation to pay this proportionate
974 share of the transferor local school board's indebtedness, the transferee local school board shall
975 levy a tax in the whole of the transferee district, including the transferred portion, sufficient to
976 pay the assumed indebtedness, and shall turn over the proceeds of the tax to the business
977 administrator of the transferor local school board.

978 (6) If the transferee local school board does not assume this obligation, the transferee
979 local school board shall levy a tax on the transferred territory sufficient to pay the proportionate
980 share of the indebtedness determined under this section, and shall turn over the proceeds of the
981 tax to the business administrator of the transferor local school board.

982 (7) For the purposes of school districts affected by repealed laws governing the
983 annexation of an unincorporated area of a school district by a city which included what was
984 formerly known as a city school district, transitions of unincorporated areas and property from
985 the transferor district to the transferee district in progress on the effective date of this act shall
986 revert to the boundaries and ownership prior to the initiation of annexation and may then
987 proceed under this section and Section 53G-3-501.

988 Section 13. Section **53G-3-503** is amended to read:

989 **53G-3-503. Additional levies in transferred territory -- Transferee local school**

board option to abolish or continue.

If two or more districts undergo restructuring that results in a district receiving territory that increases the population of the district by at least 25%, and if the transferred territory was, at the time of transfer, subject to an additional levy under Section 53F-8-301, the local school board ~~[of education]~~ of the transferee district may abolish the levy or apply the levy in whole or in part to the entire restructured district. Any such levy made applicable to the entire district may continue in force for no more than five years, unless approved by the electors of the restructured district in the manner set forth in Section 53F-8-301.

Section 14. Section **53G-4-201** is amended to read:

53G-4-201. Selection and election of members to local school boards.

Members of local school boards ~~[of education]~~ shall be elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

Section 15. Section **53G-4-202** is amended to read:

53G-4-202. Local school board meetings -- Rules of order and procedure -- Location requirements -- Expulsion of members prohibited -- Exceptions.

(1) As used in this section:

(a) "Disaster" means an event that:

(i) causes, or threatens to cause, loss of life, human suffering, public or private property damage, or economic or social disruption resulting from attack, internal disturbance, natural phenomenon, or technological hazard; and

(ii) requires resources that are beyond the scope of local agencies in routine responses to emergencies and accidents and may be of a magnitude or involve unusual circumstances that require a response by a governmental, not-for-profit, or private entity.

(b) "Local emergency" means a condition in any municipality or county of the state that requires that emergency assistance be provided by the affected municipality or county or another political subdivision to save lives and protect property within its jurisdiction in response to a disaster or to avoid or reduce the threat of a disaster.

(c) "Rules of order and procedure" means a set of ~~[rules]~~ policies that governs and prescribes in a public meeting:

(i) parliamentary order and procedure;

(ii) ethical behavior; and

1021 (iii) civil discourse.

1022 (2) Subject to Subsection (4), a local school board shall:

1023 (a) adopt rules of order and procedure to govern a public meeting of the local school
1024 board;

1025 (b) conduct a public meeting in accordance with the rules of order and procedure
1026 described in Subsection (2)(a); and

1027 (c) make the rules of order and procedure described in Subsection (2)(a) available to
1028 the public:

1029 (i) at each public meeting of the local school board; and

1030 (ii) on the local school board's public website, if available.

1031 (3) (a) Except as provided in Subsections (3)(b) and (c), a local school board may not
1032 hold a public meeting outside of the geographic boundary of the local school board's school
1033 district.

1034 (b) A local school board may hold a public meeting outside of the geographic boundary
1035 of the local school board's school district if it is necessary for the local school board to hold a
1036 meeting during a disaster or local emergency.

1037 (c) A local school board may hold a public meeting outside of the geographic boundary
1038 of the local school board's school district to conduct a site visit if:

1039 (i) the location of the site visit provides the local school board members the
1040 opportunity to see or experience an activity that:

1041 (A) relates to the local school board's responsibilities; and

1042 (B) does not exist within the geographic boundaries of the local school board's school
1043 district; and

1044 (ii) the local school board does not vote or take other action during the public meeting
1045 held at the site visit location.

1046 (d) This Subsection (3) does not apply to a charter school governing board.

1047 (4) The requirements of this section do not affect a local school board's duty to comply
1048 with Title 52, Chapter 4, Open and Public Meetings Act.

1049 (5) (a) Except as provided in Subsection (5)(b), a local school board may not expel a
1050 member of the local school board from an open public meeting or prohibit the member from
1051 attending an open public meeting.

(b) Except as provided in Subsection (5)(c), following a two-thirds vote of the members of the local school board, the local school board may fine or expel a member of the local school board for:

- (i) disorderly conduct at the open public meeting;
- (ii) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or
- (iii) a commission of a crime during the open public meeting.

(c) A local school board may adopt ~~[rules]~~ policies or ordinances that expand the reasons or establish more restrictive procedures for the expulsion of a member from a public meeting.

Section 16. Section **53G-4-203** is amended to read:

53G-4-203. Election of officers -- Terms -- Time of election -- Removal of officers -- Quorum requirements.

(1) A local school board shall elect a president and a ~~[vice-president]~~ vice president whose terms of office are for two years and until their successors are elected.

(2) The elections shall be held during the first local school board meeting in January following a regular local school board election held in the district.

(3) An officer appointed or elected by a local school board may be removed from office for cause by a vote of two-thirds of the local school board.

(4) When a vacancy occurs in the office of president or vice president of the local school board for any reason, a replacement shall be elected for the unexpired term.

(5) Attendance of a simple majority of the local school board members constitutes a quorum for the transaction of official business.

Section 17. Section **53G-4-204** is amended to read:

53G-4-204. Compensation for services -- Additional per diem -- Approval of expenses.

(1) Each member of a local school board, except the student member, shall receive compensation for services and for necessary expenses in accordance with ~~[board]~~ compensation schedules adopted by the local school board in accordance with the provisions of this section.

(2) Beginning on July 1, 2007, if a local school board decides to adopt or amend its

1083 [board] compensation schedules, the local school board shall set a time and place for a public
1084 hearing at which all interested persons shall be given an opportunity to be heard.

1085 (3) Notice of the time, place, and purpose of the meeting shall be provided at least
1086 seven days prior to the meeting by:

1087 (a) (i) publication at least once in a newspaper published in the county where the
1088 school district is situated and generally circulated within the school district; and

1089 (ii) publication on the Utah Public Notice Website created in Section 63F-1-701; and

1090 (b) posting a notice:

1091 (i) at each school within the school district;

1092 (ii) in at least three other public places within the school district; and

1093 (iii) on the Internet in a manner that is easily accessible to citizens that use the Internet.

1094 (4) After the conclusion of the public hearing, the local school board may adopt or
1095 amend its [board] compensation schedules.

1096 (5) Each member shall submit an itemized account of necessary travel expenses for
1097 local school board approval.

1098 (6) A local school board may, without following the procedures described in
1099 Subsections (2) and (3), continue to use the compensation schedule that was in effect prior to
1100 July 1, 2007, until, at the discretion of the local school board, the compensation schedule is
1101 amended or a new compensation schedule is adopted.

1102 Section 18. Section **53G-4-205** is amended to read:

1103 **53G-4-205. Duties of president.**

1104 (1) The president of each local school board shall preside at all meetings of the local
1105 school board, appoint all committees, and sign all warrants ordered by the local school board to
1106 be drawn upon the business administrator for school money.

1107 (2) If the president is absent or acquires a disability, these duties are performed by the
1108 vice president.

1109 Section 19. Section **53G-4-303** is amended to read:

1110 **53G-4-303. Duties of business administrator.**

1111 Subject to the direction of the district superintendent of schools, the district's business
1112 administrator shall:

1113 (1) attend all meetings of the local school board, keep an accurate record of its

1114 proceedings, and have custody of the seal and records;

1115 (2) be custodian of all district funds, be responsible and accountable for all money
1116 received and disbursed, and keep accurate records of all revenues received and their sources;

1117 (3) countersign with the president of the local school board all warrants and claims
1118 against the district as well as other legal documents approved by the local school board;

1119 (4) prepare and submit to the local school board each month a written report of the
1120 district's receipts and expenditures;

1121 (5) use uniform budgeting, accounting, and auditing procedures and forms approved by
1122 the [~~State Board of Education~~] state board, which shall be in accordance with generally
1123 accepted accounting principles or auditing standards and Title 63J, Chapter 1, Budgetary
1124 Procedures Act;

1125 (6) prepare and submit to the local school board a detailed annual statement for the
1126 period ending June 30, of the revenue and expenditures, including beginning and ending fund
1127 balances;

1128 (7) assist the superintendent in the preparation and submission of budget documents
1129 and statistical and fiscal reports required by law or the [~~State Board of Education~~] state board;

1130 (8) insure that adequate internal controls are in place to safeguard the district's funds;
1131 and

1132 (9) perform other duties as the superintendent may require.

1133 Section 20. Section **53G-4-304** is amended to read:

1134 **53G-4-304. Other local school board officers.**

1135 (1) A local school board may appoint other necessary officers who serve at the pleasure
1136 of the local school board.

1137 (2) These officers shall qualify by taking the constitutional oath of office before
1138 assuming office.

1139 Section 21. Section **53G-4-401** is amended to read:

1140 **53G-4-401. Local school boards are bodies corporate -- Seal -- Authority to sue --**
1141 **Conveyance of property -- Duty to residents of the local school board member's district --**
1142 **Establishment of public education foundation.**

1143 (1) As used in this section, "body corporate" means a public corporation and legal
1144 subdivision of the state, vested with the powers and duties of a government entity as specified

1145 in this chapter.

1146 (2) The local school board [~~of education~~] of a school district is a body corporate under
1147 the name of the "Board of Education of School District" (inserting the proper name), and
1148 shall have an official seal conformable to its name.

1149 (3) The seal is used by its business administrator in the authentication of all required
1150 matters.

1151 (4) A local school board may sue and be sued, and may take, hold, lease, sell, and
1152 convey real and personal property as the interests of the schools may require.

1153 (5) Notwithstanding a local school board's status as a body corporate, an elected
1154 member of a local school board serves and represents the residents of the local school board
1155 member's district, and that service and representation may not be restricted or impaired by the
1156 local school board member's membership on, or obligations to, the local school board.

1157 (6) A local school board may establish a foundation in accordance with Section
1158 53E-3-403.

1159 Section 22. Section **53G-4-402** is amended to read:

1160 **53G-4-402. Powers and duties generally.**

1161 (1) A local school board shall:

1162 (a) implement the core standards for Utah public schools using instructional materials
1163 that best correlate to the core standards for Utah public schools and graduation requirements;

1164 (b) administer tests, required by the [~~State Board of Education~~] state board, which
1165 measure the progress of each student, and coordinate with the state superintendent and [~~State~~
1166 ~~Board of Education~~] state board to assess results and create plans to improve the student's
1167 progress, which shall be submitted to the [~~State Board of Education~~] state board for approval;

1168 (c) use progress-based assessments as part of a plan to identify schools, teachers, and
1169 students that need remediation and determine the type and amount of federal, state, and local
1170 resources to implement remediation;

1171 (d) develop early warning systems for students or classes failing to make progress;

1172 (e) work with the [~~State Board of Education~~] state board to establish a library of
1173 documented best practices, consistent with state and federal regulations, for use by the local
1174 districts; and

1175 (f) implement training programs for school administrators, including basic

management training, best practices in instructional methods, budget training, staff management, managing for learning results and continuous improvement, and how to help every child achieve optimal learning in basic academic subjects.

(2) Local school boards shall spend [~~minimum school program~~] Minimum School Program funds for programs and activities for which the [~~State Board of Education~~] state board has established minimum standards or rules under Section 53E-3-501.

(3) (a) A local school board may purchase, sell, and make improvements on school sites, buildings, and equipment and construct, erect, and furnish school buildings.

(b) School sites or buildings may only be conveyed or sold on local school board resolution affirmed by at least two-thirds of the members.

(4) (a) A local school board may participate in the joint construction or operation of a school attended by children residing within the district and children residing in other districts either within or outside the state.

(b) Any agreement for the joint operation or construction of a school shall:

(i) be signed by the president of the local school board of each participating district;

(ii) include a mutually agreed upon pro rata cost; and

(iii) be filed with the [~~State Board of Education~~] state board.

(5) A local school board may establish, locate, and maintain elementary, secondary, and applied technology schools.

(6) Except as provided in Section 53E-3-905, a local school board may enroll children in school who are at least five years of age before September 2 of the year in which admission is sought.

(7) A local school board may establish and support school libraries.

(8) A local school board may collect damages for the loss, injury, or destruction of school property.

(9) A local school board may authorize guidance and counseling services for children and their parents [~~or guardians~~] before, during, or following enrollment of the children in schools.

(10) (a) A local school board shall administer and implement federal educational programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.

1207 (b) Federal funds are not considered funds within the school district budget under
1208 Chapter 7, Part 3, Budgets.

1209 (11) (a) A local school board may organize school safety patrols and adopt ~~[rules]~~
1210 policies under which the patrols promote student safety.

1211 (b) A student appointed to a safety patrol shall be at least 10 years old and have written
1212 parental consent for the appointment.

1213 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion
1214 of a highway intended for vehicular traffic use.

1215 (d) Liability may not attach to a school district, its employees, officers, or agents or to a
1216 safety patrol member, a parent of a safety patrol member, or an authorized volunteer assisting
1217 the program by virtue of the organization, maintenance, or operation of a school safety patrol.

1218 (12) (a) A local school board may on its own behalf, or on behalf of an educational
1219 institution for which the local school board is the direct governing body, accept private grants,
1220 loans, gifts, endowments, devises, or bequests that are made for educational purposes.

1221 (b) These contributions are not subject to appropriation by the Legislature.

1222 (13) (a) A local school board may appoint and fix the compensation of a compliance
1223 officer to issue citations for violations of Subsection 76-10-105(2).

1224 (b) A person may not be appointed to serve as a compliance officer without the
1225 person's consent.

1226 (c) A teacher or student may not be appointed as a compliance officer.

1227 (14) A local school board shall adopt bylaws and ~~[rules]~~ policies for the local school
1228 board's own procedures.

1229 (15) (a) A local school board shall make and enforce ~~[rules]~~ policies necessary for the
1230 control and management of the district schools.

1231 (b) ~~[Board rules and]~~ Local school board policies shall be in writing, filed, and
1232 referenced for public access.

1233 (16) A local school board may hold school on legal holidays other than Sundays.

1234 (17) (a) A local school board shall establish for each school year a school traffic safety
1235 committee to implement this Subsection (17).

1236 (b) The committee shall be composed of one representative of:

1237 (i) the schools within the district;

- 1238 (ii) the Parent Teachers' Association of the schools within the district;
1239 (iii) the municipality or county;
1240 (iv) state or local law enforcement; and
1241 (v) state or local traffic safety engineering.
- 1242 (c) The committee shall:
- 1243 (i) receive suggestions from school community councils, parents, teachers, and others
1244 and recommend school traffic safety improvements, boundary changes to enhance safety, and
1245 school traffic safety program measures;
- 1246 (ii) review and submit annually to the Department of Transportation and affected
1247 municipalities and counties a child access routing plan for each elementary, middle, and junior
1248 high school within the district;
- 1249 (iii) consult the Utah Safety Council and the Division of Family Health Services and
1250 provide training to all school children in kindergarten through grade ~~six~~ 6, within the district,
1251 on school crossing safety and use; and
- 1252 (iv) help ensure the district's compliance with rules made by the Department of
1253 Transportation under Section 41-6a-303.
- 1254 (d) The committee may establish subcommittees as needed to assist in accomplishing
1255 its duties under Subsection (17)(c).
- 1256 (18) (a) A local school board shall adopt and implement a comprehensive emergency
1257 response plan to prevent and combat violence in the local school board's public schools, on
1258 school grounds, on its school vehicles, and in connection with school-related activities or
1259 events.
- 1260 (b) The plan shall:
- 1261 (i) include prevention, intervention, and response components;
- 1262 (ii) be consistent with the student conduct and discipline policies required for school
1263 districts under Chapter 11, Part 2, Miscellaneous Requirements;
- 1264 (iii) require inservice training for all district and school building staff on what their
1265 roles are in the emergency response plan;
- 1266 (iv) provide for coordination with local law enforcement and other public safety
1267 representatives in preventing, intervening, and responding to violence in the areas and activities
1268 referred to in Subsection (18)(a); and

(v) include procedures to notify a student, to the extent practicable, who is off campus at the time of a school violence emergency because the student is:

(A) participating in a school-related activity; or

(B) excused from school for a period of time during the regular school day to participate in religious instruction at the request of the student's parent ~~[or guardian]~~.

(c) The ~~[State Board of Education]~~ state board, through the state superintendent ~~[of public instruction]~~, shall develop comprehensive emergency response plan models that local school boards may use, where appropriate, to comply with Subsection (18)(a).

(d) A local school board shall, by July 1 of each year, certify to the ~~[State Board of Education]~~ state board that its plan has been practiced at the school level and presented to and reviewed by its teachers, administrators, students, and their parents and local law enforcement and public safety representatives.

(19) (a) A local school board may adopt an emergency response plan for the treatment of sports-related injuries that occur during school sports practices and events.

(b) The plan may be implemented by each secondary school in the district that has a sports program for students.

(c) The plan may:

(i) include emergency personnel, emergency communication, and emergency equipment components;

(ii) require inservice training on the emergency response plan for school personnel who are involved in sports programs in the district's secondary schools; and

(iii) provide for coordination with individuals and agency representatives who:

(A) are not employees of the school district; and

(B) would be involved in providing emergency services to students injured while participating in sports events.

(d) The local school board, in collaboration with the schools referred to in Subsection (19)(b), may review the plan each year and make revisions when required to improve or enhance the plan.

(e) The ~~[State Board of Education]~~ state board, through the state superintendent ~~[of public instruction]~~, shall provide local school boards with an emergency plan response model that local school boards may use to comply with the requirements of this Subsection (19).

(20) A local school board shall do all other things necessary for the maintenance, prosperity, and success of the schools and the promotion of education.

(21) (a) Before closing a school or changing the boundaries of a school, a local school board shall:

(i) hold a public hearing, as defined in Section 10-9a-103; and

(ii) provide public notice of the public hearing, as specified in Subsection (21)(b).

(b) The notice of a public hearing required under Subsection (21)(a) shall:

(i) indicate the:

(A) school or schools under consideration for closure or boundary change; and

(B) date, time, and location of the public hearing; and

(ii) at least 10 days before the public hearing, be:

(A) published:

(I) in a newspaper of general circulation in the area; and

(II) on the Utah Public Notice Website created in Section 63F-1-701; and

(B) posted in at least three public locations within the municipality or on the district's official website.

(22) A local school board may implement a facility energy efficiency program established under Title 11, Chapter 44, Performance Efficiency Act.

(23) A local school board may establish or partner with a certified youth court program, in accordance with Section 78A-6-1203, or establish or partner with a comparable restorative justice program, in coordination with schools in that district. A school may refer a student to youth court or a comparable restorative justice program in accordance with Section 53G-8-211.

Section 23. Section **53G-4-403** is amended to read:

53G-4-403. School district fiscal year -- Statistical reports.

(1) A school district's fiscal year begins on July 1 and ends on June 30.

(2) (a) A school district shall forward statistical reports for the preceding school year, containing items required by law or by the [~~State Board of Education~~] state board, to the state superintendent on or before November 1 of each year.

(b) The reports shall include information to enable the state superintendent to complete the statement required under Subsection 53E-3-301(3)(d)(v).

(3) A school district shall forward the accounting report required under Section 51-2a-201 to the state superintendent on or before October 15 of each year.

Section 24. Section **53G-4-404** is amended to read:

53G-4-404. Annual financial report -- Audit report.

(1) The annual financial report of each school district, containing items required by law or by the [~~State Board of Education~~] state board and attested to by independent auditors, shall be prepared as required by Section 51-2a-201.

(2) If auditors are employed under Section 51-2a-201, the auditors shall complete their field work in sufficient time to allow them to verify necessary audit adjustments included in the annual financial report to the state superintendent.

(3) (a) (i) The district shall forward the annual financial report to the state superintendent not later than October 1.

(ii) The report shall include information to enable the state superintendent to complete the statement required under Subsection 53E-3-301(3)(d)(v).

(b) The [~~State Board of Education~~] state board shall publish electronically a copy of the report on the Internet not later than December 15.

(4) The completed audit report shall be delivered to the school district local school board [~~of education~~] and the state superintendent [~~of public instruction~~] not later than November 30 of each year.

Section 25. Section **53G-4-405** is amended to read:

53G-4-405. Approval of purchases or indebtedness -- Local school board approval of identified purchases.

(1) An officer or employee of a school district may not make a purchase or incur indebtedness on behalf of the district without the approval and order of the local school board.

(2) The local school board shall adopt one of the following approval methods, or a combination of the two:

(a) The local school board shall approve an appropriation for identified purchases in the district budget. Each purchase made under an identified purchase does not require additional local school board approval.

(b) The local school board shall approve individual purchases when made throughout the fiscal year.

Section 26. Section **53G-4-406** is amended to read:

53G-4-406. Claims against the local school board -- Itemized.

Except for salary which is regularly authorized by the local school board, the local school board may not hear or consider any claim against the local school board which is not itemized.

Section 27. Section **53G-4-409** is amended to read:

53G-4-409. Activity disclosure statements.

(1) A local school board shall require the development of activity disclosure statements for each school-sponsored group or program which involves students and faculty in grades 9 through 12 in contests, performances, events, or other activities that require them to miss normal class time or takes place outside regular school time.

(2) The activity disclosure statements shall be disseminated to the students desiring involvement in the specific activity or to the students' parents [~~or legal guardians~~] or to both students and their parents.

(3) An activity disclosure statement shall contain the following information:

(a) the specific name of the team, group, or activity;

(b) the maximum number of students involved;

(c) whether or not tryouts are used to select students, specifying date and time requirements for tryouts, if applicable;

(d) beginning and ending dates of the activity;

(e) a tentative schedule of the events, performances, games, or other activities with dates, times, and places specified if available;

(f) if applicable, designation of any nonseason events or activities, including an indication of the status, required, expected, suggested, or optional, with the dates, times, and places specified;

(g) personal costs associated with the activity;

(h) the name of the school employee responsible for the activity; and

(i) any additional information considered important for the students and parents to know.

Section 28. Section **53G-4-410** is amended to read:

53G-4-410. Regional service centers.

(1) For purposes of this section, "eligible regional service center" means a regional service center formed by two or more school districts as an interlocal entity, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

(2) The Legislature strongly encourages school districts to collaborate and cooperate to provide educational services in a manner that will best utilize resources for the overall operation of the public education system.

(3) An eligible regional service center formed by an interlocal agreement, in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, may receive a distribution described in Subsection (5) if the Legislature appropriates money for eligible regional service centers.

(4) (a) If local school boards enter into an interlocal agreement to confirm or formalize a regional service center in operation before July 1, 2011, the interlocal agreement may not eliminate any rights or obligations of the regional service center in effect before entering into the interlocal agreement.

(b) An interlocal agreement entered into to confirm or formalize an existing regional service center shall have the effect of confirming and ratifying in the regional service center, the title to any property held in the name, or for the benefit of the regional service center as of the effective date of the interlocal agreement.

(5) (a) The ~~[State Board of Education]~~ state board shall distribute any funding appropriated to eligible regional service centers as provided by the Legislature.

(b) The ~~[State Board of Education]~~ state board may provide funding to an eligible regional service center in addition to legislative appropriations.

(6) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ The state board shall make rules regarding eligible regional service centers including:

(a) the distribution of legislative appropriations to eligible regional service centers;

(b) the designation of eligible regional service centers as agents to distribute Utah Education and Telehealth Network services; and

(c) the designation of eligible regional service centers as agents for regional coordination of public education and higher education services.

Section 29. Section **53G-4-502** is amended to read:

53G-4-502. Utah School Boards Association.

The Utah School Boards Association is recognized as an organization and agency of the local school boards of Utah and is representative of those local school boards.

Section 30. Section **53G-4-503** is amended to read:

53G-4-503. Boards of education authorized to become members of association.

The [~~State Board of Education~~] state board, local school boards, and their agencies may become members of the Utah School Boards Association and cooperate with the association and its members on activities and problems relating to the state's educational system.

Section 31. Section **53G-4-602** is amended to read:

53G-4-602. School district tax anticipation notes.

(1) A local school board may borrow money in anticipation of the collection of taxes or other revenue of the school district so long as it complies with Title 11, Chapter 14, Local Government Bonding Act.

(2) The local school board may incur indebtedness under this section for any purpose for which district funds may be expended, but not in excess of the estimated district revenues for the current school year.

(3) Revenues include all revenues of the district from the state or any other source.

(4) The district may incur the indebtedness prior to imposing or collecting the taxes or receiving the revenues. The indebtedness bears interest at the lowest obtainable rate or rates.

Section 32. Section **53G-4-604** is amended to read:

53G-4-604. Consolidated school district bonds.

(1) A consolidated county school district may issue bonds, without an election, to fund, purchase, or redeem the district's outstanding indebtedness if the debt was incurred prior to consolidation and assumed by the consolidated school district.

(2) The legality, regularity, and validity of the outstanding indebtedness shall be determined in the same manner used to determine the validity of other bonds to be refunded by the local school board.

Section 33. Section **53G-4-605** is amended to read:

53G-4-605. Testing validity of bonds to be refunded -- Procedure.

If considered advisable by the local school board, the validity of any bonds intended to

1454 be refunded may be determined in the following manner:

1455 (1) The local school board shall:

1456 (a) publish a notice describing with sufficient particularity for identification the bond
1457 or bonds intended to be refunded:

1458 (i) once a week for two successive weeks in a newspaper published in the school
1459 district; and

1460 (ii) as required in Section 45-1-101; and

1461 (b) post a notice for two successive weeks in three public and conspicuous places
1462 describing with sufficient particularity for identification the bond or bonds intended to be
1463 refunded.

1464 (2) The notice shall require any person objecting to the legality, regularity, or validity
1465 of the bonds, their issue or sale, or the indebtedness represented by the bonds, to appear before
1466 the local school board at a specified place within the district on a specified day and time.

1467 (3) The time may not be less than 14 nor more than 60 days after the first publication
1468 or posting of the notice.

1469 (4) The notice shall require the person to appear at the meeting with his objections in
1470 writing, duly verified.

1471 (5) The local school board shall convene at the time and place specified in the notice
1472 and receive all objections as prescribed in Subsection (4).

1473 (6) The objections shall be filed with and preserved by the local school board.

1474 (7) If no written objections are presented at the time and place specified in the notice,
1475 the local school board shall so certify.

1476 (8) All persons are then prohibited from questioning in any manner or proceeding the
1477 legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness
1478 represented by the bonds, and the local school board may then refund the bonds.

1479 (9) Any person filing a written objection under Subsection (4) shall, within 20 days
1480 after the filing, commence appropriate legal proceedings against the local school board and
1481 others as may be proper parties, in the district court for the county in which the school district
1482 is situated, to challenge and determine the legality, regularity, and validity of the bond or
1483 bonds, their issue and sale, or the indebtedness represented by them.

1484 (10) Failure to commence the proceedings within 20 days bars the person filing

objections from questioning, in any manner or proceeding, the legality, regularity, or validity of the bond or bonds, their issue or sale, or the indebtedness represented by the bonds.

(11) Upon proof of failure to commence proceedings, by certificate of the clerk of the court, the local school board may refund the bonds.

Section 34. Section **53G-4-606** is amended to read:

53G-4-606. Sinking fund -- Investment.

(1) The money levied and collected to create a sinking fund for the redemption of bonds issued by a local school board shall be immediately credited to a special fund.

(2) After retaining an amount sufficient to pay the principal of the bonds maturing during the year, the local school board shall invest the fund and any surplus as provided under Title 51, Chapter 7, State Money Management Act.

Section 35. Section **53G-4-801** is amended to read:

53G-4-801. Definitions.

~~[(1) "Board" means the board of education of a school district existing now or later under the laws of the state.]~~

~~[(2)]~~ (1) "Bond" means any general obligation bond or refunding bond issued after the effective date of this part.

~~[(3)]~~ (2) "Default avoidance program" means the school bond guaranty program established by this part.

~~[(4)]~~ (3) "General obligation bond" means any bond, note, warrant, certificate of indebtedness, or other obligation of a local school board payable in whole or in part from revenues derived from ad valorem taxes and that constitutes an indebtedness within the meaning of any applicable constitutional or statutory debt limitation.

~~[(5)]~~ (4) "Paying agent" means the corporate paying agent selected by the local school board for a bond issue who is:

(a) duly qualified; and

(b) acceptable to the state treasurer.

~~[(6)]~~ (5) "Permanent school fund" means the state school fund described in the Utah Constitution, Article X, Section 5(1).

~~[(7)]~~ (6) "Refunding bond" means any general obligation bond issued by a local school board for the purpose of refunding its outstanding general obligation bonds.

1516 ~~[(8)]~~ (7) "School district" means any school district existing now or later under the
1517 laws of the state.

1518 Section 36. Section **53G-4-802** is amended to read:

1519 **53G-4-802. Contract with bondholders -- Full faith and credit of state is pledged**
1520 **-- Limitation as to certain refunded bonds.**

1521 (1) (a) The state of Utah pledges to and agrees with the holders of any bonds that the
1522 state will not alter, impair, or limit the rights vested by the default avoidance program with
1523 respect to the bonds until the bonds, together with applicable interest, are fully paid and
1524 discharged.

1525 (b) Notwithstanding Subsection (1)(a), nothing contained in this part precludes an
1526 alteration, impairment, or limitation if adequate provision is made by law for the protection of
1527 the holders of the bonds.

1528 (c) Each local school board may refer to this pledge and undertaking by the state in its
1529 bonds.

1530 (2) (a) The full faith and credit and unlimited taxing power of the state is pledged to
1531 guarantee full and timely payment of the principal of (either at the stated maturity or by any
1532 advancement of maturity pursuant to a mandatory sinking fund payment) and interest on, bonds
1533 as such payments shall become due (except that in the event of any acceleration of the due date
1534 of such principal by reason of mandatory or optional redemption or acceleration resulting from
1535 default of otherwise, other than any advancement of maturity pursuant to a mandatory sinking
1536 fund payment, the payments guaranteed shall be made in such amounts and at such times as
1537 such payments of principal would have been due had there not been any such acceleration).

1538 (b) This guaranty does not extend to the payment of any redemption premium.

1539 (c) Reference to this part by its title on the face of any bond conclusively establishes
1540 the guaranty provided to that bond under provisions of this part.

1541 (3) (a) Any bond guaranteed under this part that is refunded and considered paid for the
1542 purposes of and within the meaning of Subsection 11-27-3(6), no longer has the benefit of the
1543 guaranty provided by this part from and after the date on which that bond was considered to be
1544 paid.

1545 (b) Any refunding bond issued by a local school board that is itself secured by
1546 government obligations until the proceeds are applied to pay refunded bonds, as provided in

1547 Title 11, Chapter 27, Utah Refunding Bond Act, is not guaranteed under the provisions of this
1548 part, until the refunding bonds cease to be secured by government obligations as provided in
1549 Title 11, Chapter 27, Utah Refunding Bond Act.

1550 (4) Only validly issued bonds issued after the effective date of this part are guaranteed
1551 under this part.

1552 Section 37. Section **53G-4-803** is amended to read:

1553 **53G-4-803. Program eligibility -- Option to forego guaranty.**

1554 (1) (a) Any local school board may request that the state treasurer issue a certificate
1555 evidencing eligibility for the state's guaranty under this part.

1556 (b) After reviewing the request, if the state treasurer determines that the local school
1557 board is eligible, the state treasurer shall promptly issue the certificate and provide it to the
1558 requesting local school board.

1559 (c) (i) The local school board receiving the certificate and all other persons may rely on
1560 the certificate as evidencing eligibility for the guaranty for one year from and after the date of
1561 the certificate, without making further inquiry of the state treasurer during that year.

1562 (ii) The certificate of eligibility is valid for one year even if the state treasurer later
1563 determines that the local school board is ineligible.

1564 (2) Any local school board that chooses to forego the benefits of the guaranty provided
1565 by this part for a particular issue of bonds may do so by not referring to this part on the face of
1566 its bonds.

1567 (3) Any local school board that has bonds, the principal of or interest on which has
1568 been paid, in whole or in part, by the state under this part may not issue any additional bonds
1569 guaranteed by this act until:

1570 (a) all payment obligations of the local school board to the state under the default
1571 avoidance program are satisfied; and

1572 (b) the state treasurer and the state superintendent [~~of public instruction~~] each certify in
1573 writing, to be kept on file by the state treasurer and the state superintendent, that the local
1574 school board is fiscally solvent.

1575 (4) Bonds not guaranteed by this part are not included in the definition of "bonds" in
1576 Section 53G-4-802 as used generally in this part and are not subject to the requirements of and
1577 do not receive the benefits of this part.

1578 Section 38. Section **53G-4-804** is amended to read:

1579 **53G-4-804. Fiscal solvency of school districts -- Duties of state treasurer and**
1580 **attorney general.**

1581 (1) The state superintendent [~~of public instruction~~] shall:

1582 (a) monitor the financial affairs and condition of each local school board in the state to
1583 evaluate each local school board's financial solvency; and

1584 (b) report immediately to the governor and state treasurer any circumstances suggesting
1585 that a school district will be unable to timely meet its debt service obligations and recommend
1586 a course of remedial action.

1587 (2) (a) The state treasurer shall determine whether [~~or not~~] the financial affairs and
1588 condition of a local school board are such that it would be imprudent for the state to guarantee
1589 the bonds of that local school board.

1590 (b) If the state treasurer determines that the state should not guarantee the bonds of that
1591 local school board, the state treasurer shall:

1592 (i) prepare a determination of ineligibility; and

1593 (ii) keep it on file in the office of the state treasurer.

1594 (c) The state treasurer may remove a local school board from the status of ineligibility
1595 when a subsequent report or other information made available to the state treasurer evidences
1596 that it is no longer imprudent for the state to guarantee the bonds of that local school board.

1597 (3) Nothing in this section affects the state's guaranty of bonds of a local school board
1598 issued:

1599 (a) before determination of ineligibility;

1600 (b) after the eligibility of the local school board is restored; or

1601 (c) under a certificate of eligibility issued under Section 53G-4-803.

1602 Section 39. Section **53G-4-805** is amended to read:

1603 **53G-4-805. Business administrator duties -- Paying agent to provide notice --**
1604 **State treasurer to execute transfer to paying agents -- Effect of transfer.**

1605 (1) (a) The business administrator of each local school board with outstanding, unpaid
1606 bonds shall transfer money sufficient for the scheduled debt service payment to its paying agent
1607 at least 15 days before any principal or interest payment date for the bonds.

1608 (b) The paying agent may, if instructed to do so by the business administrator, invest

the money at the risk and for the benefit of the local school board until the payment date.

(c) A business administrator who is unable to transfer the scheduled debt service payment to the paying agent 15 days before the payment date shall immediately notify the paying agent and the state treasurer by:

(i) telephone;

(ii) a writing sent by facsimile transmission; and

(iii) a writing sent by first-class United States mail.

(2) If sufficient funds are not transferred to the paying agent as required by Subsection (1), the paying agent shall notify the state treasurer of that failure in writing at least 10 days before the scheduled debt service payment date by:

(a) telephone;

(b) a writing sent by facsimile transmission; and

(c) a writing sent by first-class United States mail.

(3) (a) If sufficient money to pay the scheduled debt service payment has not been transferred to the paying agent, the state treasurer shall, on or before the scheduled payment date, transfer sufficient money to the paying agent to make the scheduled debt service payment.

(b) The payment by the treasurer:

(i) discharges the obligation of the issuing local school board to its bondholders for the payment; and

(ii) transfers the rights represented by the general obligation of the local school board from the bondholders to the state.

(c) The local school board shall pay the transferred obligation to the state as provided in this part.

Section 40. Section **53G-4-806** is amended to read:

53G-4-806. State financial assistance intercept mechanism -- State treasurer duties -- Interest and penalty provisions.

(1) (a) If one or more payments on bonds are made by the state treasurer as provided in Section 53G-4-805, the state treasurer shall:

(i) immediately intercept any payments from the Uniform School Fund or from any other source of operating money provided by the state to the local school board that issued the bonds that would otherwise be paid to the local school board by the state; and

1640 (ii) apply the intercepted payments to reimburse the state for payments made pursuant
1641 to the state's guaranty until all obligations of the local school board to the state arising from
1642 those payments, including interest and penalties, are paid in full.

1643 (b) The state has no obligation to the local school board or to any person or entity to
1644 replace any money intercepted under authority of Subsection (1)(a).

1645 (2) The local school board that issued bonds for which the state has made all or part of
1646 a debt service payment shall:

1647 (a) reimburse all money drawn by the state treasurer on its behalf;

1648 (b) pay interest to the state on all money paid by the state from the date the money was
1649 drawn to the date they are repaid at a rate not less than the average prime rate for national
1650 money center banks plus 1%; and

1651 (c) pay all penalties required by this part.

1652 (3) (a) The state treasurer shall establish the reimbursement interest rate after
1653 considering the circumstances of any prior draws by the local school board on the state, market
1654 interest and penalty rates, and the cost of funds, if any, that were required to be borrowed by
1655 the state to make payment on the bonds.

1656 (b) The state treasurer may, after considering the circumstances giving rise to the
1657 failure of the local school board to make payment on its bonds in a timely manner, impose on
1658 the local school board a penalty of not more than 5% of the amount paid by the state pursuant
1659 to its guaranty for each instance in which a payment by the state is made.

1660 (4) (a) (i) If the state treasurer determines that amounts obtained under this section will
1661 not reimburse the state in full within one year from the state's payment of a local school board's
1662 scheduled debt service payment, the state treasurer shall pursue any legal action, including
1663 mandamus, against the local school board to compel it to:

1664 (A) levy and provide property tax revenues to pay debt service on its bonds when due
1665 as required by Title 11, Chapter 14, Local Government Bonding Act; and

1666 (B) meet its repayment obligations to the state.

1667 (ii) In pursuing its rights under this Subsection (4)(a), the state shall have the same
1668 substantive and procedural rights under Title 11, Chapter 14, Local Government Bonding Act,
1669 as would a holder of the bonds of a local school board.

1670 (b) The attorney general shall assist the state treasurer in these duties.

(c) The local school board shall pay the attorney's fees, expenses, and costs of the state treasurer and the attorney general.

(5) (a) Except as provided in Subsection (5)(c), any local school board whose operating funds were intercepted under this section may replace those funds from other local school board money or from ad valorem property taxes, subject to the limitations provided in this Subsection (5).

(b) A local school board may use ad valorem property taxes or other money to replace intercepted funds only if the ad valorem property taxes or other money was derived from:

(i) taxes originally levied to make the payment but which were not timely received by the local school board;

(ii) taxes from a special levy made to make the missed payment or to replace the intercepted money;

(iii) money transferred from the capital outlay fund of the local school board or the undistributed reserve, if any, of the local school board; or

(iv) any other source of money on hand and legally available.

(c) Notwithstanding the provisions of Subsections (5)(a) and (b), a local school board may not replace operating funds intercepted by the state with money collected and held to make payments on bonds if that replacement would divert money from the payment of future debt service on the bonds and increase the risk that the state's guaranty would be called upon a second time.

Section 41. Section **53G-4-807** is amended to read:

53G-4-807. Backup liquidity arrangements -- Issuance of notes.

(1) (a) If, at the time the state is required to make a debt service payment under its guaranty on behalf of a local school board, sufficient money of the state is not on hand and available for that purpose, the state treasurer may:

(i) seek a loan from the Permanent School Fund sufficient to make the required payment; or

(ii) issue state debt as provided in Subsection (2).

(b) Nothing in this Subsection (1) requires the Permanent School Fund to lend money to the state treasurer.

(2) (a) The state treasurer may issue state debt in the form of general obligation notes

1702 to meet its obligations under this part.

1703 (b) The amount of notes issued may not exceed the amount necessary to make payment
1704 on all bonds with respect to which the notes are issued plus all costs of issuance, sale, and
1705 delivery of the notes, rounded up to the nearest natural multiple of \$5,000.

1706 (c) Each series of notes issued may not mature later than 18 months from the date the
1707 notes are issued.

1708 (d) Notes issued may be refunded using the procedures set forth in this part for the
1709 issuance of notes, in an amount not more than the amount necessary to pay principal of and
1710 accrued but unpaid interest on any refunded notes plus all costs of issuance, sale, and delivery
1711 of the refunding notes, rounded up to the nearest natural multiple of \$5,000.

1712 (e) Each series of refunding notes may not mature later than 18 months from the date
1713 the refunding notes are issued.

1714 (3) (a) Before issuing or selling any general obligation note to other than a state fund or
1715 account, the state treasurer shall:

1716 (i) prepare a written plan of financing; and

1717 (ii) file it with the governor.

1718 (b) The plan of financing shall provide for:

1719 (i) the terms and conditions under which the notes will be issued, sold, and delivered;

1720 (ii) the taxes or revenues to be anticipated;

1721 (iii) the maximum amount of notes that may be outstanding at any one time under the
1722 plan of financing;

1723 (iv) the sources of payment of the notes;

1724 (v) the rate or rates of interest, if any, on the notes or a method, formula, or index under
1725 which the interest rate or rates on the notes may be determined during the time the notes are
1726 outstanding; and

1727 (vi) all other details relating to the issuance, sale, and delivery of the notes.

1728 (c) In identifying the taxes or revenues to be anticipated and the sources of payment of
1729 the notes in the financing plan, the state treasurer may include:

1730 (i) the taxes authorized by Section 53G-4-808;

1731 (ii) the intercepted revenues authorized by Section 53G-4-806;

1732 (iii) the proceeds of refunding notes; or

(iv) any combination of Subsections (3)(c)(i), (ii), and (iii).

(d) The state treasurer may include in the plan of financing the terms and conditions of arrangements entered into by the state treasurer on behalf of the state with financial and other institutions for letters of credit, standby letters of credit, reimbursement agreements, and remarketing, indexing, and tender agent agreements to secure the notes, including payment from any legally available source of fees, charges, or other amounts coming due under the agreements entered into by the state treasurer.

(e) When issuing the notes, the state treasurer shall issue an order setting forth the interest, form, manner of execution, payment, manner of sale, prices at, above, or below face value, and all details of issuance of the notes.

(f) The order and the details set forth in the order shall conform with any applicable plan of financing and with this part.

(g) (i) Each note shall recite that it is a valid obligation of the state and that the full faith, credit, and resources of the state are pledged for the payment of the principal of and interest on the note from the taxes or revenues identified in accordance with its terms and the constitution and laws of Utah.

(ii) These general obligation notes do not constitute debt of the state for the purposes of the 1.5% debt limitation of the Utah Constitution, Article XIV, Section 1.

(h) Immediately upon the completion of any sale of notes, the state treasurer shall:

(i) make a verified return of the sale to the state auditor, specifying the amount of notes sold, the persons to whom the notes were sold, and the price, terms, and conditions of the sale; and

(ii) credit the proceeds of sale, other than accrued interest and amounts required to pay costs of issuance of the notes, to the General Fund to be applied to the purpose for which the notes were issued.

Section 42. Section **53G-4-1003** is amended to read:

53G-4-1003. Funds raised -- Highest priority projects.

(1) Funds raised by the school district in accordance with this part shall be used on the highest priority projects established by the district's five-year comprehensive capital outlay plan, which shall be approved by the [~~State Board of Education~~] state board.

(2) The plan must include appropriate priorities for the construction of minimal

1764 facilities for new students.

1765 (3) If priority use of the funds raised by the district in accordance with this part does
1766 not provide minimal facilities as defined by the [~~State Board of Education~~] state board for
1767 students in any new and remote community established in the district, or for students in
1768 existing communities because of the location of new or expanded industries in the area, the
1769 district may enter into lease-purchase agreements or lease with option to purchase agreements
1770 with private builders to furnish the minimal facilities required by the district and approved by
1771 the [~~State Board of Education~~] state board.

1772 (4) The district may make payments on these agreements from any of its otherwise
1773 uncommitted capital outlay funds.

1774 Section 43. Section **53G-4-1004** is amended to read:

1775 **53G-4-1004. Minimal school facilities -- Lease-purchase or lease with option to**
1776 **purchase agreement authorized.**

1777 (1) If a school district is unable to find any private builder who is capable of furnishing
1778 minimal school facilities in new or existing communities, on terms acceptable to the district
1779 and to the [~~State Board of Education~~] state board, the developers of the industrial plant, or
1780 plants, may agree to provide minimal school facilities under a lease-purchase agreement or
1781 lease with option to purchase agreement with the district.

1782 (2) The district shall pay the developers according to the terms of the agreement from
1783 sources listed for such payments in this part.

1784 Section 44. Section **53G-4-1006** is amended to read:

1785 **53G-4-1006. Rules and regulations authorized.**

1786 The [~~State Board of Education~~] state board shall adopt all standards and rules necessary
1787 for the administration and enforcement of this part.

1788 Section 45. Section **53G-5-102 (Effective 01/01/19)** is amended to read:

1789 **53G-5-102 (Effective 01/01/19). Definitions.**

1790 As used in this chapter:

1791 (1) "Asset" means property of all kinds, real and personal, tangible and intangible, and
1792 includes:

1793 (a) cash;

1794 (b) stock or other investments;

- 1795 (c) real property;
1796 (d) equipment and supplies;
1797 (e) an ownership interest;
1798 (f) a license;
1799 (g) a cause of action; and
1800 (h) any similar property.

1801 (2) "Board of trustees of a higher education institution" or "board of trustees" means:

1802 (a) the board of trustees of:

1803 (i) the University of Utah;

1804 (ii) Utah State University;

1805 (iii) Weber State University;

1806 (iv) Southern Utah University;

1807 (v) Snow College;

1808 (vi) Dixie State University;

1809 (vii) Utah Valley University; or

1810 (viii) Salt Lake Community College; or

1811 (b) the board of directors of a technical college described in Section 53B-2a-108.

1812 ~~[(3) "Charter agreement" or "charter" means an agreement made in accordance with~~
1813 ~~Section 53G-5-303 that authorizes the operation of a charter school.]~~

1814 ~~[(4)]~~ (3) "Charter school authorizer" or "authorizer" means an entity listed in Section
1815 53G-5-205 that authorizes a charter school.

1816 ~~[(5) "Governing board" means the board that operates a charter school.]~~

1817 Section 46. Section **53G-5-201 (Effective 01/01/19)** is amended to read:

1818 **53G-5-201 (Effective 01/01/19). State Charter School Board created.**

1819 (1) As used in this section, "organization that represents Utah's charter schools" means
1820 an organization, except a governmental entity, that advocates for charter schools, charter school
1821 parents, or charter school students.

1822 (2) (a) The State Charter School Board is created consisting of the following members
1823 appointed by the governor with the consent of the Senate:

1824 (i) one member who has expertise in finance or small business management;

1825 (ii) three members who:

1826 (A) are nominated by an organization that represents Utah's charter schools; and
1827 (B) have expertise or experience in developing or administering a charter school;
1828 (iii) two members who are nominated by the [~~State Board of Education~~] state board;
1829 and
1830 (iv) one member who:
1831 (A) has expertise in personalized learning, including digital teaching and learning or
1832 deliberate practice; and
1833 (B) supports innovation in education.
1834 (b) Each appointee shall have demonstrated dedication to the purposes of charter
1835 schools as outlined in Section 53G-5-104.
1836 (c) At least two candidates shall be nominated for each appointment made under
1837 Subsection (2)(a)(ii) or (iii).
1838 (d) The governor may seek nominations for a prospective appointment under
1839 Subsection (2)(a)(ii) from one or more organizations that represent Utah's charter schools.
1840 (3) (a) State Charter School Board members shall serve four-year terms.
1841 (b) If a vacancy occurs, the governor shall, with the consent of the Senate, appoint a
1842 replacement for the unexpired term.
1843 (4) The governor may remove a member at any time for official misconduct, habitual
1844 or willful neglect of duty, or for other good and sufficient cause.
1845 (5) (a) The State Charter School Board shall annually elect a chair from its
1846 membership.
1847 (b) Four members of the [~~board~~] State Charter School Board shall constitute a quorum.
1848 (c) Meetings may be called by the chair or upon request of three members of the
1849 [~~board~~] State Charter School Board.
1850 (6) A member may not receive compensation or benefits for the member's service, but
1851 may receive per diem and travel expenses in accordance with:
1852 (a) Section 63A-3-106;
1853 (b) Section 63A-3-107; and
1854 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
1855 63A-3-107.
1856 Section 47. Section **53G-5-203** is amended to read:

53G-5-203. State Charter School Board -- Staff director -- Facilities.

(1) (a) The State Charter School Board, with the consent of the state superintendent [~~of public instruction~~], shall appoint a staff director for the State Charter School Board.

(b) The State Charter School Board shall have authority to remove the staff director with the consent of the state superintendent [~~of public instruction~~].

(c) The position of staff director is exempt from the career service provisions of Title 67, Chapter 19, Utah State Personnel Management Act.

(2) The state superintendent [~~of public instruction~~] shall provide space for staff of the State Charter School Board in facilities occupied by the [~~State Board of Education~~] state board or the [~~State Board of Education's~~] state board's employees, with costs charged for the facilities equal to those charged other sections and divisions under the [~~State Board of Education~~] state board.

Section 48. Section **53G-5-205 (Effective 01/01/19)** is amended to read:

53G-5-205 (Effective 01/01/19). Charter school authorizers -- Power and duties -- Charter application minimum standard.

(1) The following entities are eligible to authorize charter schools:

(a) the State Charter School Board;

(b) a local school board; or

(c) a board of trustees of an institution in the state system of higher education as described in Section 53B-1-102.

(2) A charter school authorizer shall:

(a) annually review and evaluate the performance of charter schools authorized by the authorizer and hold a charter school accountable for the school's performance; and

(b) monitor charter schools authorized by the authorizer for compliance with federal and state laws, rules, and regulations.

(3) A charter school authorizer may:

(a) authorize and promote the establishment of charter schools, subject to the provisions in this part;

(b) make recommendations on legislation and rules pertaining to charter schools to the Legislature and [~~State Board of Education~~] state board, respectively;

(c) make recommendations to the [~~State Board of Education~~] state board on the

1888 funding of charter schools;

1889 (d) provide technical support to charter schools and persons seeking to establish charter
1890 schools by:

1891 (i) identifying and promoting successful charter school models;

1892 (ii) facilitating the application and approval process for charter school authorization;

1893 (iii) directing charter schools and persons seeking to establish charter schools to
1894 sources of funding and support;

1895 (iv) reviewing and evaluating proposals to establish charter schools for the purpose of
1896 supporting and strengthening proposals before an application for charter school authorization is
1897 submitted to a charter school authorizer; or

1898 (v) assisting charter schools to understand and carry out their charter obligations; or

1899 (e) provide technical support, as requested, to another charter school authorizer relating
1900 to charter schools.

1901 (4) Within 60 days after an authorizer's approval of an application for a new charter
1902 school, the [~~State Board of Education~~] state board may direct an authorizer to do the following
1903 if the authorizer or charter school applicant failed to follow statutory or state board rule
1904 requirements:

1905 (a) reconsider the authorizer's approval of an application for a new charter school; and

1906 (b) correct deficiencies in the charter school application or authorizer's application
1907 process as described in statute or state board rule before approving the new application.

1908 (5) The [~~State Board of Education~~ state board ~~shall, in accordance with Title 63G,~~
1909 ~~Chapter 3, Utah Administrative Rulemaking Act,~~] state board shall make rules establishing
1910 minimum standards that a charter school authorizer is required to apply when:

1911 (a) evaluating a charter school application; or

1912 (b) monitoring charter school compliance.

1913 (6) The minimum standards described in Subsection (5) shall include:

1914 (a) reasonable consequences for an authorizer that fails to comply with statute or state
1915 board rule;

1916 (b) a process for an authorizer to review:

1917 (i) the skill and expertise of a proposed charter school's governing board; and

1918 (ii) the functioning operation of the charter school governing board of an authorized

1919 charter school;

1920 (c) a process for an authorizer to review the financial viability of a proposed charter
1921 school and of an authorized charter school;

1922 (d) a process to evaluate:

1923 (i) how well an authorizer's authorized charter school complies with the charter
1924 school's charter agreement;

1925 (ii) whether an authorizer's authorized charter school maintains reasonable academic
1926 standards; and

1927 (iii) standards that an authorizer is required to meet to demonstrate the authorizer's
1928 capacity to oversee, monitor, and evaluate the charter schools the authorizer authorizes.

1929 Section 49. Section **53G-5-301** is amended to read:

1930 **53G-5-301. State Charter School Board to request applications for certain types**
1931 **of charter schools.**

1932 (1) To meet the unique learning styles and needs of students, the State Charter School
1933 Board shall seek to expand the types of instructional methods and programs offered by schools,
1934 as provided in this section.

1935 (2) (a) The State Charter School Board shall request individuals, groups of individuals,
1936 or not-for-profit legal entities to submit an application to the State Charter School Board to
1937 establish a charter school that employs new and creative methods to meet the unique learning
1938 styles and needs of students, such as:

1939 (i) a military charter school;

1940 (ii) a charter school whose mission is to enhance learning opportunities for students at
1941 risk of academic failure;

1942 (iii) a charter school whose focus is career and technical education;

1943 (iv) a single gender charter school; or

1944 (v) a charter school with an international focus that provides opportunities for the
1945 exchange of students or teachers.

1946 (b) In addition to a charter school identified in Subsection (2)(a), the State Charter
1947 School Board shall request applications for other types of charter schools that meet the unique
1948 learning styles and needs of students.

1949 (3) The State Charter School Board shall publicize a request for applications to

1950 establish a charter school specified in Subsection (2).

1951 (4) A charter school application submitted pursuant to Subsection (2) shall be subject
1952 to the application and approval procedures specified in Section 53G-5-304.

1953 (5) The State Charter School Board and the [~~State Board of Education~~] state board may
1954 approve one or more applications for each charter school specified in Subsection (2), subject to
1955 the Legislature appropriating funds for, or authorizing, an increase in charter school enrollment
1956 capacity as provided in Section 53G-6-504.

1957 (6) The [~~State Board of Education~~] state board shall submit a request to the Legislature
1958 to appropriate funds for, or authorize, the enrollment of students in charter schools tentatively
1959 approved under this section.

1960 Section 50. Section **53G-5-302 (Effective 01/01/19)** is amended to read:

1961 **53G-5-302 (Effective 01/01/19). Charter school application -- Applicants --**
1962 **Contents.**

1963 (1) (a) An application to establish a charter school may be submitted by:

1964 (i) an individual;

1965 (ii) a group of individuals; or

1966 (iii) a nonprofit legal entity organized under Utah law.

1967 (b) An authorized charter school may apply under this chapter for a charter from
1968 another charter school authorizer.

1969 (2) A charter school application shall include:

1970 (a) the purpose and mission of the school;

1971 (b) except for a charter school authorized by a local school board, a statement that,
1972 after entering into a charter agreement, the charter school will be organized and managed under
1973 Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act;

1974 (c) a description of the governance structure of the school, including:

1975 (i) a list of the charter school governing board members that describes the
1976 qualifications of each member; and

1977 (ii) an assurance that the applicant shall, within 30 days of authorization, complete a
1978 background check for each member consistent with Section 53G-5-408;

1979 (d) a description of the target population of the school that includes:

1980 (i) the projected maximum number of students the school proposes to enroll;

- 1981 (ii) the projected school enrollment for each of the first three years of school operation;
1982 and
1983 (iii) the ages or grade levels the school proposes to serve;
1984 (e) academic goals;
1985 (f) qualifications and policies for school employees, including policies that:
1986 (i) comply with the criminal background check requirements described in Section
1987 53G-5-408;
1988 (ii) require employee evaluations;
1989 (iii) address employment of relatives within the charter school; and
1990 (iv) address human resource management and ensure that:
1991 (A) at least one of the school's employees or another person is assigned human
1992 resource management duties, as defined in Section 17B-1-805; and
1993 (B) the assigned employee or person described in Subsection (2)(f)(iv)(A) receives
1994 human resource management training, as defined in Section 17B-1-805;
1995 (g) a description of how the charter school will provide, as required by state and federal
1996 law, special education and related services;
1997 (h) for a public school converting to charter status, arrangements for:
1998 (i) students who choose not to continue attending the charter school; and
1999 (ii) teachers who choose not to continue teaching at the charter school;
2000 (i) a statement that describes the charter school's plan for establishing the charter
2001 school's facilities, including:
2002 (i) whether the charter school intends to lease or purchase the charter school's facilities;
2003 and
2004 (ii) financing arrangements;
2005 (j) a market analysis of the community the school plans to serve;
2006 (k) a business plan;
2007 (l) other major issues involving the establishment and operation of the charter school;
2008 and
2009 (m) the signatures of the charter school governing board members [~~of the charter~~
2010 ~~school~~].
2011 (3) A charter school authorizer may require a charter school application to include:

- 2012 (a) the charter school's proposed:
- 2013 (i) curriculum;
- 2014 (ii) instructional program; or
- 2015 (iii) delivery methods;
- 2016 (b) a method for assessing whether students are reaching academic goals, including, at
- 2017 a minimum, administering the statewide assessments described in Section 53E-4-301;
- 2018 (c) a proposed calendar;
- 2019 (d) sample policies;
- 2020 (e) a description of opportunities for parental involvement;
- 2021 (f) a description of the school's administrative, supervisory, or other proposed services
- 2022 that may be obtained through service providers; or
- 2023 (g) other information that demonstrates an applicant's ability to establish and operate a
- 2024 charter school.

2025 Section 51. Section **53G-5-303** is amended to read:

2026 **53G-5-303. Charter agreement -- Content -- Modification.**

- 2027 (1) As used in this section, "satellite charter school" means a charter school affiliated
- 2028 with an operating charter school, which has the same charter school governing board and a
- 2029 similar program of instruction, but has a different school number than the affiliated charter.
- 2030 (2) A charter agreement:
- 2031 (a) is a contract between the charter school applicant and the charter school authorizer;
- 2032 (b) shall describe the rights and responsibilities of each party; and
- 2033 (c) shall allow for the operation of the applicant's proposed charter school.
- 2034 (3) A charter agreement shall include:
- 2035 (a) the name of:
- 2036 (i) the charter school; and
- 2037 (ii) the charter school applicant;
- 2038 (b) the mission statement and purpose of the charter school;
- 2039 (c) the charter school's opening date;
- 2040 (d) the grade levels the charter school will serve;
- 2041 (e) (i) subject to Section 53G-6-504, the maximum number of students a charter school
- 2042 will serve; or

(ii) for an operating charter school with satellite charter schools, the maximum number of students of all satellite charter schools collectively served by the operating charter school;

(f) a description of the structure of the charter school governing board, including:

(i) the number of charter school governing board members;

(ii) how members of the charter school governing board are appointed; and

(iii) charter school governing board members' terms of office;

(g) assurances that:

(i) the charter school governing board will comply with:

(A) the charter school's bylaws;

(B) the charter school's articles of incorporation; and

(C) applicable federal law, state law, and [~~State Board of Education~~] state board rules;

(ii) the charter school governing board will meet all reporting requirements described in Section 53G-5-404; and

(iii) except as provided in Part 6, Charter School Credit Enhancement Program, neither the authorizer nor the state, including an agency of the state, is liable for the debts or financial obligations of the charter school or a person who operates the charter school;

(h) which administrative rules the [~~State Board of Education~~] state board will waive for the charter school;

(i) minimum financial standards for operating the charter school;

(j) minimum standards for student achievement; and

(k) signatures of the charter school authorizer and the charter school governing board members.

(4) (a) Except as provided in Subsection (4)(b), a charter agreement may not be modified except by mutual agreement between the charter school authorizer and the charter school governing board.

(b) A charter school governing board may modify the charter school's charter agreement without the mutual agreement described in Subsection (4)(a) to include an enrollment preference described in Subsection 53G-6-502(4)(g).

Section 52. Section **53G-5-304 (Effective 01/01/19)** is amended to read:

53G-5-304 (Effective 01/01/19). Charter schools authorized by the State Charter School Board -- Application process -- Prohibited basis of application denial.

(1) (a) An applicant seeking authorization of a charter school from the State Charter School Board shall provide a copy of the application to the local school board of the school district in which the proposed charter school shall be located either before or at the same time it files its application with the State Charter School Board.

(b) The local school board may review the application and may offer suggestions or recommendations to the applicant or the State Charter School Board prior to its acting on the application.

(c) The State Charter School Board shall give due consideration to suggestions or recommendations made by the local school board under Subsection (1)(b).

(d) The State Charter School Board shall review and, by majority vote, either approve or deny the application.

(e) A charter school application may not be denied on the basis that the establishment of the charter school will have any or all of the following impacts on a public school, including another charter school:

- (i) an enrollment decline;
- (ii) a decrease in funding; or
- (iii) a modification of programs or services.

(2) The ~~[State Board of Education shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,]~~ state board shall make a rule providing a timeline for the opening of a charter school following the approval of a charter school application by the State Charter School Board.

(3) After approval of a charter school application and in accordance with Section 53G-5-303, the applicant and the State Charter School Board shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.

(4) The State Charter School Board shall, in accordance with ~~[State Board of Education]~~ state board rules, establish and make public the State Charter School Board's:

- (a) application requirements, in accordance with Section 53G-5-302;
- (b) application process, including timelines, in accordance with this section; and
- (c) minimum academic, financial, and enrollment standards.

Section 53. Section **53G-5-305 (Effective 01/01/19)** is amended to read:

53G-5-305 (Effective 01/01/19). Charters authorized by local school boards --

2105 **Application process -- Local school board responsibilities.**

2106 (1) (a) An applicant identified in Section 53G-5-302 may submit an application to a
2107 local school board to establish and operate a charter school within the geographical boundaries
2108 of the school district administered by the local school board.

2109 (b) (i) The principal, teachers, or parents of students at an existing public school may
2110 submit an application to the local school board to convert the school or a portion of the school
2111 to charter status.

2112 (A) If the entire school is applying for charter status, at least two-thirds of the licensed
2113 educators employed at the school and at least two-thirds of the parents [~~or guardians~~] of
2114 students enrolled at the school must have signed a petition approving the application prior to its
2115 submission to the charter school authorizer.

2116 (B) If only a portion of the school is applying for charter status, the percentage is
2117 reduced to a simple majority.

2118 (ii) The local school board may not approve an application submitted under Subsection
2119 (1)(b)(i) unless the local school board determines that:

2120 (A) students opting not to attend the proposed converted school would have access to a
2121 comparable public education alternative; and

2122 (B) current teachers who choose not to teach at the converted charter school or who are
2123 not retained by the school at the time of its conversion would receive a first preference for
2124 transfer to open teaching positions for which they qualify within the school district, and, if no
2125 positions are open, contract provisions or local school board policy regarding reduction in staff
2126 would apply.

2127 (2) (a) An existing public school that converts to charter status under a charter granted
2128 by a local school board may:

2129 (i) continue to receive the same services from the school district that it received prior to
2130 its conversion; or

2131 (ii) contract out for some or all of those services with other public or private providers.

2132 (b) Any other charter school authorized by a local school board may contract with the
2133 local school board to receive some or all of the services referred to in Subsection (2)(a).

2134 (c) Except as specified in a charter agreement, local school board assets do not transfer
2135 to an existing public school that converts to charter status under a charter granted by a local

2136 school board under this section.

2137 (3) (a) A local school board that receives an application for a charter school under this
2138 section shall, within 45 days, either accept or reject the application.

2139 (b) If the local school board rejects the application, it shall notify the applicant in
2140 writing of the reason for the rejection.

2141 (c) The applicant may submit a revised application for reconsideration by the local
2142 school board.

2143 (d) If the local school board refuses to authorize the applicant, the applicant may seek a
2144 charter from another authorizer.

2145 (4) The [~~State Board of Education~~] state board shall make a rule providing for a
2146 timeline for the opening of a charter school following the approval of a charter school
2147 application by a local school board.

2148 (5) After approval of a charter school application and in accordance with Section
2149 53G-5-303, the applicant and the local school board shall set forth the terms and conditions for
2150 the operation of the charter school in a written charter agreement.

2151 (6) A local school board may terminate a charter school it authorizes as provided in
2152 Sections 53G-5-501 and 53G-5-503.

2153 (7) In addition to the exemptions described in Sections 53G-5-405, 53G-7-202, and
2154 53G-5-407, a charter school authorized by a local school board is:

2155 (a) not required to separately submit a report or information required under this public
2156 education code to the [~~State Board of Education~~] state board if the information is included in a
2157 report or information that is submitted by the local school board or school district; and

2158 (b) exempt from the requirement under Section 53G-5-404 that a charter school shall
2159 be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation
2160 Act.

2161 (8) Before a local school board accepts a charter school application, the local school
2162 board shall, in accordance with [~~State Board of Education~~] state board rules, establish and
2163 make public the local school board's:

2164 (a) application requirements, in accordance with Section 53G-5-302;

2165 (b) application process, including timelines, in accordance with this section; and

2166 (c) minimum academic, financial, and enrollment standards.

Section 54. Section **53G-5-306 (Effective 01/01/19)** is amended to read:

53G-5-306 (Effective 01/01/19). Charter schools authorized by a board of trustees of a higher education institution -- Application process -- Board of trustees responsibilities.

(1) Except as provided in Subsection (6), an applicant identified in Section 53G-5-302 may enter into an agreement with a board of trustees of a higher education institution authorizing the applicant to establish and operate a charter school.

(2) (a) An applicant applying for authorization from a board of trustees to establish and operate a charter school shall provide a copy of the application to the State Charter School Board and the local school board of the school district in which the proposed charter school will be located either before or at the same time the applicant files the application with the board of trustees.

(b) The State Charter School Board and the local school board may review the application and offer suggestions or recommendations to the applicant or the board of trustees before acting on the application.

(c) The board of trustees shall give due consideration to suggestions or recommendations made by the State Charter School Board or the local school board under Subsection (2)(b).

(3) The [~~State Board of Education~~] state board shall make a rule providing a timeline for the opening of a charter school following the approval of a charter school application by a board of trustees.

(4) After approval of a charter school application, the applicant and the board of trustees shall set forth the terms and conditions for the operation of the charter school in a written charter agreement.

(5) (a) The school's charter agreement may include a provision that the charter school pay an annual fee for the board of trustees' costs in providing oversight of, and technical support to, the charter school in accordance with Section 53G-5-205.

(b) In the first two years that a charter school is in operation, an annual fee described in Subsection (5)(a) may not exceed the product of 3% of the revenue the charter school receives from the state in the current fiscal year.

(c) Beginning with the third year that a charter school is in operation, an annual fee

2198 described in Subsection (5)(a) may not exceed the product of 1% of the revenue a charter
2199 school receives from the state in the current fiscal year.

2200 (d) An annual fee described in Subsection (5)(a) shall be:

2201 (i) paid to the board of trustees' higher education institution; and

2202 (ii) expended as directed by the board of trustees.

2203 (6) (a) In addition to complying with the requirements of this section, a technical
2204 college board of directors described in Section 53B-2a-108 shall obtain the approval of the
2205 Utah System of Technical Colleges Board of Trustees before entering into an agreement to
2206 establish and operate a charter school.

2207 (b) If a technical college board of directors approves an application to establish and
2208 operate a charter school, the technical college board of directors shall submit the application to
2209 the Utah System of Technical Colleges Board of Trustees.

2210 (c) The Utah System of Technical Colleges Board of Trustees shall, by majority vote,
2211 within 60 days of receipt of an application described in Subsection (6)(b), approve or deny the
2212 application.

2213 (d) The Utah System of Technical Colleges Board of Trustees may deny an application
2214 approved by a technical college board of directors if the proposed charter school does not
2215 accomplish a purpose of charter schools as provided in Section 53G-5-104.

2216 (e) A charter school application may not be denied on the basis that the establishment
2217 of the charter school will have any or all of the following impacts on a public school, including
2218 another charter school:

2219 (i) an enrollment decline;

2220 (ii) a decrease in funding; or

2221 (iii) a modification of programs or services.

2222 (7) (a) Subject to the requirements of this chapter and other related provisions, a
2223 technical college board of directors may establish:

2224 (i) procedures for submitting applications to establish and operate a charter school; or

2225 (ii) criteria for approval of an application to establish and operate a charter school.

2226 (b) The Utah System of Technical Colleges Board of Trustees may not establish policy
2227 governing the procedures or criteria described in Subsection (7)(a).

2228 (8) Before a technical college board of directors accepts a charter school application,

2229 the technical college board of directors shall, in accordance with [~~State Board of Education~~]
2230 state board rules, establish and make public:

- 2231 (a) application requirements, in accordance with Section 53G-5-302;
- 2232 (b) the application process, including timelines, in accordance with this section; and
- 2233 (c) minimum academic, financial, and enrollment standards.

2234 Section 55. Section **53G-5-403** is amended to read:

2235 **53G-5-403. Charter school assets.**

2236 (1) (a) A charter school may receive, hold, manage, and use any devise, bequest, grant,
2237 endowment, gift, or donation of any asset made to the school for any of the purposes of this
2238 chapter and other related provisions.

2239 (b) Unless a donor or grantor specifically provides otherwise in writing, all assets
2240 described in Subsection (1)(a) shall be presumed to be made to the charter school and shall be
2241 included in the charter school's assets.

2242 (2) It is unlawful for any person affiliated with a charter school to demand or request
2243 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
2244 with the charter school as a condition for employment or enrollment at the school or continued
2245 attendance at the school.

2246 (3) All assets purchased with charter school funds shall be included in the charter
2247 school's assets.

2248 (4) A charter school may not dispose of its assets in violation of the provisions of this
2249 chapter or other related provisions, state board rules, policies of its charter school authorizer, or
2250 its charter agreement, including the provisions governing the closure of a charter school under
2251 Section 53G-5-504.

2252 Section 56. Section **53G-5-404** is amended to read:

2253 **53G-5-404. Requirements for charter schools.**

2254 (1) A charter school shall be nonsectarian in its programs, admission policies,
2255 employment practices, and operations.

2256 (2) A charter school may not charge tuition or fees, except those fees normally charged
2257 by other public schools.

2258 (3) A charter school shall meet all applicable federal, state, and local health, safety, and
2259 civil rights requirements.

(4) (a) A charter school shall make the same annual reports required of other public schools under this public education code, including an annual financial audit report.

(b) A charter school shall file its annual financial audit report with the Office of the State Auditor within six months of the end of the fiscal year.

(5) (a) A charter school shall be accountable to the charter school's authorizer for performance as provided in the school's charter agreement.

(b) To measure the performance of a charter school, an authorizer may use data contained in:

(i) the charter school's annual financial audit report;

(ii) a report submitted by the charter school as required by statute; or

(iii) a report submitted by the charter school as required by its charter agreement.

(c) A charter school authorizer may not impose performance standards, except as permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully accomplish the purposes of charter schools as provided in Section 53G-5-104 or as otherwise provided in law.

(6) A charter school may not advocate unlawful behavior.

(7) Except as provided in Section 53G-5-305, a charter school shall be organized and managed under Title 16, Chapter 6a, Utah Revised Nonprofit Corporation Act, after its authorization.

(8) A charter school shall provide adequate liability and other appropriate insurance.

(9) Beginning on July 1, 2014, a charter school shall submit any lease, lease-purchase agreement, or other contract or agreement relating to the charter school's facilities or financing of the charter school's facilities to the school's authorizer and an attorney for review and advice prior to the charter school entering into the lease, agreement, or contract.

(10) A charter school may not employ an educator whose license has been suspended or revoked by the ~~[State Board of Education]~~ state board under Section 53E-6-604.

(11) (a) Each charter school shall register and maintain the charter school's registration as a limited purpose entity, in accordance with Section 67-1a-15.

(b) A charter school that fails to comply with Subsection (11)(a) or Section 67-1a-15 is subject to enforcement by the state auditor, in accordance with Section 67-3-1.

Section 57. Section **53G-5-405** is amended to read:

53G-5-405. Application of statutes and rules to charter schools.

(1) A charter school shall operate in accordance with its charter agreement and is subject to this public education code and other state laws applicable to public schools, except as otherwise provided in this chapter and other related provisions.

(2) (a) Except as provided in Subsection (2)(b), [~~State Board of Education~~] state board rules governing the following do not apply to a charter school:

(i) school libraries;

(ii) required school administrative and supervisory services; and

(iii) required expenditures for instructional supplies.

(b) A charter school shall comply with rules implementing statutes that prescribe how state appropriations may be spent.

(3) The following provisions of this public education code, and rules adopted under those provisions, do not apply to a charter school:

(a) Sections 53G-7-1202 and 53G-7-1204, requiring the establishment of a school community council and school improvement plan;

(b) Section 53G-4-409, requiring the use of activity disclosure statements;

(c) Section 53G-7-606, requiring notification of intent to dispose of textbooks;

(d) Section 53G-10-404, requiring annual presentations on adoption;

(e) Sections 53G-7-304 and 53G-7-306 pertaining to fiscal procedures of school districts and local school boards; and

(f) Section 53E-4-408, requiring an independent evaluation of instructional materials.

(4) For the purposes of Title 63G, Chapter 6a, Utah Procurement Code, a charter school is considered an educational procurement unit as defined in Section 63G-6a-103.

(5) Each charter school shall be subject to:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63G, Chapter 2, Government Records Access and Management Act.

(6) A charter school is exempt from Section 51-2a-201.5, requiring accounting reports of certain nonprofit corporations. A charter school is subject to the requirements of Section 53G-5-404.

(7) (a) The State Charter School Board shall, in concert with the charter schools, study existing state law and administrative rules for the purpose of determining from which laws and

2322 rules charter schools should be exempt.

2323 (b) (i) The State Charter School Board shall present recommendations for exemption to
2324 the [~~State Board of Education~~] state board for consideration.

2325 (ii) The [~~State Board of Education~~] state board shall consider the recommendations of
2326 the State Charter School Board and respond within 60 days.

2327 Section 58. Section **53G-5-406** is amended to read:

2328 **53G-5-406. Accountability -- Rules.**

2329 [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and~~
2330 ~~after consultation with chartering entities, the State Board of Education shall~~] The state board
2331 shall, after consultation with chartering entities, make rules that:

2332 (1) require a charter school to develop an accountability plan, approved by its charter
2333 school authorizer, during its first year of operation;

2334 (2) require an authorizer to:

2335 (a) visit a charter school at least once during:

2336 (i) its first year of operation; and

2337 (ii) the review period described under Subsection (3); and

2338 (b) provide written reports to its charter schools after the visits; and

2339 (3) establish a review process that is required of a charter school once every five years
2340 by its authorizer.

2341 Section 59. Section **53G-5-407** is amended to read:

2342 **53G-5-407. Employees of charter schools.**

2343 (1) A charter school shall select its own employees.

2344 (2) The [~~school's~~] charter school governing board shall determine the level of
2345 compensation and all terms and conditions of employment, except as otherwise provided in
2346 Subsections (7) and (8) and under this chapter and other related provisions.

2347 (3) The following statutes governing public employees and officers do not apply to a
2348 charter school:

2349 (a) Chapter 11, Part 5, School District and [~~USDB~~] Utah Schools for the Deaf and the
2350 Blind Employee Requirements; and

2351 (b) Title 52, Chapter 3, Prohibiting Employment of Relatives.

2352 (4) (a) To accommodate differentiated staffing and better meet student needs, a charter

2353 school, under rules adopted by the [~~State Board of Education~~] state board, shall employ
2354 teachers who are licensed.

2355 (b) The [~~school's~~] charter school governing board shall disclose the qualifications of its
2356 teachers to the parents of its students.

2357 (5) [~~State Board of Education~~] State board rules governing the licensing or certification
2358 of administrative and supervisory personnel do not apply to charter schools.

2359 (6) (a) An employee of a school district may request a leave of absence in order to
2360 work in a charter school upon approval of the local school board.

2361 (b) While on leave, the employee may retain seniority accrued in the school district and
2362 may continue to be covered by the benefit program of the district if the charter school and the
2363 [~~locally elected~~] local school board mutually agree.

2364 (7) (a) A proposed or authorized charter school may elect to participate as an employer
2365 for retirement programs under:

2366 (i) Title 49, Chapter 12, Public Employees' Contributory Retirement Act;

2367 (ii) Title 49, Chapter 13, Public Employees' Noncontributory Retirement Act; and

2368 (iii) Title 49, Chapter 22, New Public Employees' Tier II Contributory Retirement Act.

2369 (b) An election under this Subsection (7):

2370 (i) shall be documented by a resolution adopted by the charter school governing board
2371 [~~of the charter school~~]; and

2372 (ii) applies to the charter school as the employer and to all employees of the charter
2373 school.

2374 (c) The charter school governing board [~~of a charter school~~] may offer employee
2375 benefit plans for its employees:

2376 (i) under Title 49, Chapter 20, Public Employees' Benefit and Insurance Program Act;

2377 or

2378 (ii) under any other program.

2379 (8) A charter school may not revoke an election to participate made under Subsection
2380 (7).

2381 (9) The charter school governing board [~~of a charter school~~] shall ensure that, prior to
2382 the beginning of each school year:

2383 (a) each of the charter school's employees signs a document acknowledging that the

2384 employee:
2385 (i) has received:
2386 (A) the disclosure required under Section 63A-4-204.5 if the charter school participates
2387 in the Risk Management Fund; or
2388 (B) written disclosure similar to the disclosure required under Section 63A-4-204.5 if
2389 the charter school does not participate in the Risk Management Fund; and
2390 (ii) understands the legal liability protection provided to the employee and what is not
2391 covered, as explained in the disclosure; and
2392 (b) (i) at least one of the charter school's employees or another person is assigned
2393 human resource management duties, as defined in Section 17B-1-805; and
2394 (ii) the assigned employee or person described in Subsection (9)(b)(i) receives human
2395 resource management training, as defined in Section 17B-1-805.

2396 Section 60. Section **53G-5-408** is amended to read:

2397 **53G-5-408. Criminal background checks on school personnel.**

2398 The following individuals are required to submit to a criminal background check and
2399 ongoing monitoring as provided in Section 53G-11-402:

- 2400 (1) an employee of a charter school who does not hold a current Utah educator license
2401 issued by the [~~State Board of Education~~] state board under Title 53E, Chapter 6, Education
2402 Professional Licensure;
2403 (2) a volunteer for a charter school who is given significant unsupervised access to a
2404 student in connection with the volunteer's assignment;
2405 (3) a contract employee, as defined in Section 53G-11-401, who works at a charter
2406 school; and
2407 (4) a charter school governing board member.

2408 Section 61. Section **53G-5-409 (Effective 01/01/19)** is amended to read:

2409 **53G-5-409 (Effective 01/01/19). Regulated transactions and relationships --**
2410 **Definitions -- Rulemaking.**

- 2411 (1) As used in this section:
2412 (a) "Charter school officer" means:
2413 (i) a member of a charter school's governing board;
2414 (ii) a member of a board or an officer of a nonprofit corporation under which a charter

2415 school is organized and managed; or

2416 (iii) the chief administrative officer of a charter school.

2417 (b) (i) "Employment" means a position in which a person's salary, wages, pay, or
2418 compensation, whether as an employee or contractor, is paid from charter school funds.

2419 (ii) "Employment" does not include a charter school volunteer.

2420 (c) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother,
2421 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,
2422 sister-in-law, son-in-law, or daughter-in-law.

2423 (2) (a) Except as provided in Subsection (2)(b), a relative of a charter school officer
2424 may not be employed at a charter school.

2425 (b) If a relative of a charter school officer is to be considered for employment in a
2426 charter school, the charter school officer shall:

2427 (i) disclose the relationship, in writing, to the other charter school officers;

2428 (ii) submit the employment decision to the charter school's governing board for the
2429 approval, by majority vote, of the charter school's governing board;

2430 (iii) abstain from voting on the issue; and

2431 (iv) be absent from the portion of the meeting where the employment is being
2432 considered and determined.

2433 (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school officer or a
2434 relative of a charter school officer may not have a financial interest in a contract or other
2435 transaction involving a charter school in which the charter school officer serves as a charter
2436 school officer.

2437 (b) If a charter school's governing board considers entering into a contract or executing
2438 a transaction in which a charter school officer or a relative of a charter school officer has a
2439 financial interest, the charter school officer shall:

2440 (i) disclose the financial interest, in writing, to the other charter school officers;

2441 (ii) submit the contract or transaction decision to the charter school's governing board
2442 for the approval, by majority vote, of the charter school's governing board;

2443 (iii) abstain from voting on the issue; and

2444 (iv) be absent from the portion of the meeting where the contract or transaction is being
2445 considered and determined.

(c) The provisions in Subsection (3)(a) do not apply to a reasonable contract of employment for:

(i) the chief administrative officer of a charter school; or

(ii) a relative of the chief administrative officer of a charter school whose employment is approved in accordance with the provisions in Subsection (2).

(4) The [~~State Board of Education~~] state board or State Charter School Board may not operate a charter school.

Section 62. Section **53G-5-410** is amended to read:

53G-5-410. Safe technology utilization and digital citizenship.

A charter school governing board, or a council formed by a charter school governing board to prepare a plan for the use of School LAND Trust Program money under Section 53G-7-1206:

(1) shall provide for education and awareness on safe technology utilization and digital citizenship that empowers:

(a) a student to make smart media and online choices; and

(b) a parent [~~or guardian~~] to know how to discuss safe technology use with the parent's [~~or guardian's~~] child;

(2) shall partner with the school's principal and other administrators to ensure that adequate on and off campus Internet filtering is installed and consistently configured to prevent viewing of harmful content by students and school personnel, in accordance with charter school governing board policy and Subsection 53G-7-216(3); and

(3) may partner with one or more non-profit organizations to fulfill the duties described in Subsections (1) and (2).

Section 63. Section **53G-5-411** is amended to read:

53G-5-411. Charter school fiscal year -- Statistical reports.

(1) A charter school's fiscal year begins on July 1 and ends on June 30.

(2) (a) A charter school shall forward statistical reports for the preceding school year, containing items required by law or by the [~~State Board of Education~~] state board, to the state superintendent on or before November 1 of each year.

(b) The reports shall include information to enable the state superintendent to complete the statement required under Subsection 53E-3-301(3)(d)(v).

(3) A charter school shall forward the accounting report required under Section 51-2a-201 to the state superintendent on or before October 15 of each year.

Section 64. Section **53G-5-501** is amended to read:

53G-5-501. Noncompliance -- Rulemaking.

(1) If a charter school is found to be out of compliance with the requirements of Section 53G-5-404 or the school's charter agreement, the charter school authorizer shall notify the following in writing that the charter school has a reasonable time to remedy the deficiency, except as otherwise provided in Subsection 53G-5-503(4):

(a) the charter school governing board [~~of the charter school~~]; and

(b) if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School Finance Authority.

(2) If the charter school does not remedy the deficiency within the established timeline, the authorizer may:

(a) subject to the requirements of Subsection (4), take one or more of the following actions:

(i) remove a charter school director or finance officer;

(ii) remove a charter school governing board member; or

(iii) appoint an interim director or mentor to work with the charter school; or

(b) subject to the requirements of Section 53G-5-503, terminate the school's charter agreement.

(3) The costs of an interim director or mentor appointed pursuant to Subsection (2)(a) shall be paid from the funds of the charter school for which the interim director or mentor is working.

(4) The authorizer shall notify the Utah Charter School Finance Authority before the authorizer takes an action described in Subsections (2)(a)(i) through (iii) if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program.

(5) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education~~] The state board shall make rules:

(a) specifying the timeline for remedying deficiencies under Subsection (1); and

2508 (b) ensuring the compliance of a charter school with its approved charter agreement.

2509 Section 65. Section **53G-5-502 (Effective 01/01/19)** is amended to read:

2510 **53G-5-502 (Effective 01/01/19). Voluntary school improvement process.**

2511 (1) As used in this section, "high performing charter school" means a charter school
2512 that:

2513 (a) satisfies all requirements of state law and [~~State Board of Education~~] state board
2514 rules;

2515 (b) has operated for at least three years meeting the terms of the school's charter
2516 agreement; and

2517 (c) is in good standing with the charter school's authorizer.

2518 (2) (a) Subject to Subsection (2)(b), a charter school governing board may voluntarily
2519 request the charter school's authorizer to place the school in a school improvement process.

2520 (b) A charter school governing board shall provide notice and a hearing on the charter
2521 school governing board's intent to make a request under Subsection (2)(a) to parents [~~and~~
2522 ~~guardians~~] of students enrolled in the charter school.

2523 (3) An authorizer may grant a charter school governing board's request to be placed in
2524 a school improvement process if the charter school governing board has provided notice and a
2525 hearing under Subsection (2)(b).

2526 (4) An authorizer that has entered into a school improvement process with a charter
2527 school governing board shall:

2528 (a) enter into a contract with the charter school governing board on the terms of the
2529 school improvement process;

2530 (b) notify the [~~State Board of Education~~] state board that the authorizer has entered into
2531 a school improvement process with the charter school governing board;

2532 (c) make a report to a committee of the [~~State Board of Education~~] state board
2533 regarding the school improvement process; and

2534 (d) notify the Utah Charter School Finance Authority that the authorizer has entered
2535 into a school improvement process with the charter school governing board if the charter
2536 school is a qualifying charter school with outstanding bonds issued in accordance with Part 6,
2537 Charter School Credit Enhancement Program.

2538 (5) Upon notification under Subsection (4)(b), and after the report described in

Subsection (4)(c), the [~~State Board of Education~~] state board shall notify charter schools and the school district in which the charter school is located that the charter school governing board has entered into a school improvement process with the charter school's authorizer.

(6) A high performing charter school or the school district in which the charter school is located may apply to the charter school governing board to assume operation and control of the charter school that has been placed in a school improvement process.

(7) A charter school governing board that has entered into a school improvement process shall review applications submitted under Subsection (6) and submit a proposal to the charter school's authorizer to:

(a) terminate the school's charter, notwithstanding the requirements of Section 53G-5-503; and

(b) transfer operation and control of the charter school to:

(i) the school district in which the charter school is located; or

(ii) a high performing charter school.

(8) Except as provided in Subsection (9) and subject to Subsection (10), an authorizer may:

(a) approve a charter school governing board's proposal under Subsection (7); or

(b) (i) deny a charter school governing board's proposal under Subsection (7); and

(ii) (A) terminate the school's charter agreement in accordance with Section 53G-5-503;

(B) allow the charter school governing board to submit a revised proposal; or

(C) take no action.

(9) An authorizer may not take an action under Subsection (8) for a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, without mutual agreement of the Utah Charter School Finance Authority and the authorizer.

(10) (a) An authorizer that intends to transfer operation and control of a charter school as described in Subsection (7)(b) shall request approval from the [~~State Board of Education~~] state board.

(b) (i) The [~~State Board of Education~~] state board shall consider an authorizer's request under Subsection (10)(a) within 30 days of receiving the request.

(ii) If the [~~State Board of Education~~] state board denies an authorizer's request under Subsection (10)(a), the authorizer may not transfer operation and control of the charter school as described in Subsection (7)(b).

(iii) If the [~~State Board of Education~~] state board does not take action on an authorizer's request under Subsection (10)(a) within 30 days of receiving the request, an authorizer may proceed to transfer operation and control of the charter school as described in Subsection (7)(b).

Section 66. Section **53G-5-503 (Effective 01/01/19)** is amended to read:

53G-5-503 (Effective 01/01/19). Termination of a charter agreement.

(1) Subject to the requirements of Subsection (3), a charter school authorizer may terminate a school's charter agreement for any of the following reasons:

(a) failure of the charter school to meet the requirements stated in the charter agreement;

(b) failure to meet generally accepted standards of fiscal management;

(c) (i) designation as a low performing school under Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development; and

(ii) failure to improve the school's grade under the conditions described in Title 53E, Chapter 5, Part 3, School Turnaround and Leadership Development;

(d) violation of requirements under this chapter or another law; or

(e) other good cause shown.

(2) (a) The authorizer shall notify the following of the proposed termination in writing, state the grounds for the termination, and stipulate that the charter school governing board may request an informal hearing before the authorizer:

(i) the charter school governing board [~~of the charter school~~]; and

(ii) if the charter school is a qualifying charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit Enhancement Program, the Utah Charter School Finance Authority.

(b) Except as provided in Subsection (2)(e), the authorizer shall conduct the hearing in accordance with Title 63G, Chapter 4, Administrative Procedures Act, within 30 days after receiving a written request under Subsection (2)(a).

(c) If the authorizer, by majority vote, approves a motion to terminate a charter school,

2601 the charter school governing board [~~of the charter school~~] may appeal the decision to the [~~State~~
2602 ~~Board of Education~~] state board.

2603 (d) (i) The [~~State Board of Education~~] state board shall hear an appeal of a termination
2604 made pursuant to Subsection (2)(c).

2605 (ii) The [~~State Board of Education~~] state board's action is final action subject to judicial
2606 review.

2607 (e) (i) If the authorizer proposes to terminate the charter agreement of a qualifying
2608 charter school with outstanding bonds issued in accordance with Part 6, Charter School Credit
2609 Enhancement Program, the authorizer shall conduct a hearing described in Subsection (2)(b)
2610 120 days or more after notifying the following of the proposed termination:

2611 (A) the charter school governing board of the qualifying charter school; and

2612 (B) the Utah Charter School Finance Authority.

2613 (ii) Prior to the hearing described in Subsection (2)(e)(i), the Utah Charter School
2614 Finance Authority shall meet with the authorizer to determine whether the deficiency may be
2615 remedied in lieu of termination of the qualifying charter school's charter agreement.

2616 (3) An authorizer may not terminate the charter agreement of a qualifying charter
2617 school with outstanding bonds issued in accordance with Part 6, Charter School Credit
2618 Enhancement Program, without mutual agreement of the Utah Charter School Finance
2619 Authority and the authorizer.

2620 (4) (a) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
2621 ~~the State Board of Education~~] The state board shall make rules that require a charter school to
2622 report any threats to the health, safety, or welfare of its students to the State Charter School
2623 Board in a timely manner.

2624 (b) The rules under Subsection (4)(a) shall also require the charter school report to
2625 include what steps the charter school has taken to remedy the threat.

2626 (5) Subject to the requirements of Subsection (3), the authorizer may terminate a
2627 charter agreement immediately if good cause has been shown or if the health, safety, or welfare
2628 of the students at the school is threatened.

2629 (6) If a charter agreement is terminated during a school year, the following entities may
2630 apply to the charter school's authorizer to assume operation of the school:

2631 (a) the school district where the charter school is located;

2632 (b) the charter school governing board of another charter school; or

2633 (c) a private management company.

2634 (7) (a) If a charter agreement is terminated, a student who attended the school may
2635 apply to and shall be enrolled in another public school under the enrollment provisions of
2636 Chapter 6, Part 3, School District Residency, subject to space availability.

2637 (b) Normal application deadlines shall be disregarded under Subsection (7)(a).

2638 Section 67. Section **53G-5-504 (Effective 01/01/19)** is amended to read:

2639 **53G-5-504 (Effective 01/01/19). Charter school closure.**

2640 (1) If a charter school is closed for any reason, including the termination of a charter
2641 agreement in accordance with Section 53G-5-503 or the conversion of a charter school to a
2642 private school, the provisions of this section apply.

2643 (2) A decision to close a charter school is made:

2644 (a) when a charter school authorizer approves a motion to terminate described in
2645 Subsection 53G-5-503(2)(c);

2646 (b) when the [~~State Board of Education~~] state board takes final action described in
2647 Subsection 53G-5-503(2)(d)(ii); or

2648 (c) when a charter school provides notice to the charter school's authorizer that the
2649 charter school is relinquishing the charter school's charter.

2650 (3) (a) No later than 10 days after the day on which a decision to close a charter school
2651 is made, the charter school shall:

2652 (i) provide notice to the following, in writing, of the decision:

2653 (A) if the charter school made the decision to close, the charter school's authorizer;

2654 (B) the State Charter School Board;

2655 (C) if the [~~State Board of Education~~] state board did not make the decision to close, the
2656 [~~State Board of Education~~] state board;

2657 (D) parents of students enrolled at the charter school;

2658 (E) the charter school's creditors;

2659 (F) the charter school's lease holders;

2660 (G) the charter school's bond issuers;

2661 (H) other entities that may have a claim to the charter school's assets;

2662 (I) the school district in which the charter school is located and other charter schools

2663 located in that school district; and

2664 (J) any other person that the charter school determines to be appropriate; and

2665 (ii) post notice of the decision on the Utah Public Notice Website, created in Section

2666 63F-1-701.

2667 (b) The notice described in Subsection (3)(a) shall include:

2668 (i) the proposed date of the charter school closure;

2669 (ii) the charter school's plans to help students identify and transition into a new school;

2670 and

2671 (iii) contact information for the charter school during the transition.

2672 (4) No later than 10 days after the day on which a decision to close a charter school is

2673 made, the closing charter school shall:

2674 (a) designate a custodian for the protection of student files and school business records;

2675 (b) designate a base of operation that will be maintained throughout the charter school

2676 closing, including:

2677 (i) an office;

2678 (ii) hours of operation;

2679 (iii) operational telephone service with voice messaging stating the hours of operation;

2680 and

2681 (iv) a designated individual to respond to questions or requests during the hours of

2682 operation;

2683 (c) assure that the charter school will maintain insurance coverage and risk

2684 management coverage throughout the transition to closure and for a period following closure of

2685 the charter school as specified by the charter school's authorizer;

2686 (d) assure that the charter school will complete by the set deadlines for all fiscal years

2687 in which funds are received or expended by the charter school a financial audit and any other

2688 procedure required by state board rule;

2689 (e) inventory all assets of the charter school; and

2690 (f) list all creditors of the charter school and specifically identify secured creditors and

2691 assets that are security interests.

2692 (5) The closing charter school's authorizer shall oversee the closing charter school's

2693 compliance with Subsection (4).

(6) (a) A closing charter school shall return any assets remaining, after all liabilities and obligations of the closing charter school are paid or discharged, to the closing charter school's authorizer.

(b) The closing charter school's authorizer shall liquidate assets at fair market value or assign the assets to another public school.

(7) The closing charter school's authorizer shall oversee liquidation of assets and payment of debt in accordance with state board rule.

(8) The closing charter school shall:

(a) comply with all state and federal reporting requirements; and

(b) submit all documentation and complete all state and federal reports required by the closing charter school's authorizer or the [~~State Board of Education~~] state board, including documents to verify the closing charter school's compliance with procedural requirements and satisfaction of all financial issues.

(9) When the closing charter school's financial affairs are closed out and dissolution is complete, the authorizer shall ensure that a final audit of the charter school is completed.

(10) On or before January 1, 2017, [~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education~~] the state board shall, after considering suggestions from charter school authorizers, make rules that:

(a) provide additional closure procedures for charter schools; and

(b) establish a charter school closure process.

Section 68. Section **53G-5-505** is amended to read:

53G-5-505. Tort liability.

(1) An employee of a charter school is a public employee and the charter school governing board is a public employer in the same manner as a local school board for purposes of tort liability.

(2) The charter school governing board [~~of a charter school~~], the nonprofit corporation under which the charter school is organized and managed, and the school are solely liable for any damages resulting from a legal challenge involving the operation of the school.

Section 69. Section **53G-5-602** is amended to read:

53G-5-602. Utah Charter School Finance Authority created -- Members -- Compensation -- Services.

(1) There is created a body politic and corporate known as the Utah Charter School Finance Authority. The authority is created to provide an efficient and cost-effective method of financing charter school facilities.

(2) The governing board of the authority shall be composed of:

(a) the governor or the governor's designee;

(b) the state treasurer; and

(c) the state superintendent ~~[of public instruction]~~ or the state superintendent's designee.

(3) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(4) Upon request, the ~~[State Board of Education]~~ state board shall provide staff support to the authority.

Section 70. Section **53G-6-201** is amended to read:

53G-6-201. Definitions.

For purposes of this part:

(1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a school-age minor assigned to a class or class period to attend the entire class or class period.

(b) A school-age minor may not be considered absent under this part more than one time during one day.

(2) "Habitual truant" means a school-age minor who:

(a) is at least 12 years old;

(b) is subject to the requirements of Section 53G-6-202; and

(c) (i) is truant at least 10 times during one school year; or

(ii) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section 53G-6-206.

(3) "Minor" means a person under the age of 18 years.

(4) "Parent" includes:

- 2756 (a) a custodial parent of the minor;
- 2757 (b) a legally appointed guardian of a minor; or
- 2758 (c) any other person purporting to exercise any authority over the minor which could be
- 2759 exercised by a person described in Subsection (4)(a) or (b).
- 2760 (5) "School-age minor" means a minor who:
- 2761 (a) is at least six years old, but younger than 18 years old; and
- 2762 (b) is not emancipated.
- 2763 (6) "School year" means the period of time designated by a local school board or
- 2764 ~~[local]~~ charter school governing board as the school year for the school where the school-age
- 2765 minor:
- 2766 (a) is enrolled; or
- 2767 (b) should be enrolled, if the school-age minor is not enrolled in school.
- 2768 (7) "Truant" means absent without a valid excuse.
- 2769 (8) "Truant minor" means a school-age minor who:
- 2770 (a) is subject to the requirements of Section 53G-6-202 or 53G-6-203; and
- 2771 (b) is truant.
- 2772 (9) "Valid excuse" means:
- 2773 (a) an illness, which may be either mental or physical;
- 2774 (b) a family death;
- 2775 (c) an approved school activity;
- 2776 (d) an absence permitted by a school-age minor's:
- 2777 (i) individualized education program, developed pursuant to the Individuals with
- 2778 Disabilities Education Improvement Act of 2004, as amended; or
- 2779 (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act
- 2780 of 1973, as amended; or
- 2781 (e) any other excuse established as valid by a local school board, ~~[local]~~ charter school
- 2782 governing board, or school district.
- 2783 Section 71. Section **53G-6-202** is amended to read:
- 2784 **53G-6-202. Compulsory education.**
- 2785 (1) For purposes of this section:
- 2786 (a) "Intentionally" is as defined in Section 76-2-103.

2787 (b) "Recklessly" is as defined in Section 76-2-103.

2788 (c) "Remainder of the school year" means the portion of the school year beginning on
2789 the day after the day on which the notice of compulsory education violation described in
2790 Subsection (3) is served and ending on the last day of the school year.

2791 (d) "School-age child" means a school-age minor under the age of 14.

2792 (2) Except as provided in Section 53G-6-204 or 53G-6-702, the parent of a school-age
2793 minor shall enroll and send the school-age minor to a public or regularly established private
2794 school.

2795 (3) A school administrator, a designee of a school administrator, a law enforcement
2796 officer acting as a school resource officer, or a truancy specialist may issue a notice of
2797 compulsory education violation to a parent of a school-age child if the school-age child is
2798 absent without a valid excuse at least five times during the school year.

2799 (4) The notice of compulsory education violation, described in Subsection (3):

2800 (a) shall direct the parent of the school-age child to:

2801 (i) meet with school authorities to discuss the school-age child's school attendance
2802 problems; and

2803 (ii) cooperate with the local school board, [~~local~~] charter school governing board, or
2804 school district in securing regular attendance by the school-age child;

2805 (b) shall designate the school authorities with whom the parent is required to meet;

2806 (c) shall state that it is a class B misdemeanor for the parent of the school-age child to
2807 intentionally or recklessly:

2808 (i) fail to meet with the designated school authorities to discuss the school-age child's
2809 school attendance problems; or

2810 (ii) fail to prevent the school-age child from being absent without a valid excuse five or
2811 more times during the remainder of the school year;

2812 (d) shall be served on the school-age child's parent by personal service or certified
2813 mail; and

2814 (e) may not be issued unless the school-age child has been truant at least five times
2815 during the school year.

2816 (5) It is a class B misdemeanor for a parent of a school-age minor to intentionally or
2817 recklessly fail to enroll the school-age minor in school, unless the school-age minor is exempt

2818 from enrollment under Section 53G-6-204 or 53G-6-702.

2819 (6) It is a class B misdemeanor for a parent of a school-age child to, after being served
2820 with a notice of compulsory education violation in accordance with Subsections (3) and (4),
2821 intentionally or recklessly:

2822 (a) fail to meet with the school authorities designated in the notice of compulsory
2823 education violation to discuss the school-age child's school attendance problems; or

2824 (b) fail to prevent the school-age child from being absent without a valid excuse five or
2825 more times during the remainder of the school year.

2826 (7) A local school board, ~~[local]~~ charter school governing board, or school district shall
2827 report violations of this section to the appropriate county or district attorney.

2828 (8) If school personnel have reason to believe that, after a notice of compulsory
2829 education violation is issued, the parent ~~[or guardian]~~ has failed to make a good faith effort to
2830 ensure that the child receives an appropriate education, the issuer of the compulsory education
2831 violation shall report to the Division of Child and Family Services:

2832 (a) identifying information of the child and the child's parent ~~[or guardian]~~ who
2833 received the notice of compulsory education violation;

2834 (b) information regarding the longest number of consecutive school days the
2835 school-age minor has been absent from school and the percentage of school days the child has
2836 been absent during each relevant school term;

2837 (c) whether the child has made adequate educational progress;

2838 (d) whether the requirements of Section 53G-6-206 have been met;

2839 (e) whether the child is two or more years behind the local public school's age group
2840 expectations in one or more basic skills; and

2841 (f) whether the child is receiving special education services or systematic remediation
2842 efforts.

2843 Section 72. Section **53G-6-203** is amended to read:

2844 **53G-6-203. Truancy -- Notice of truancy -- Failure to cooperate with school**
2845 **authorities.**

2846 (1) Except as provided in Section 53G-6-204 or 53G-6-702, a school-age minor who is
2847 enrolled in a public school shall attend the public school in which the school-age minor is
2848 enrolled.

(2) A local school board, charter school governing board, or school district may impose administrative penalties on a school-age minor in accordance with Section 53G-8-211 who is truant.

(3) A local school board or charter school governing board:

(a) may authorize a school administrator, a designee of a school administrator, a law enforcement officer acting as a school resource officer, or a truancy specialist to issue notices of truancy to school-age minors who are at least 12 years old; and

(b) shall establish a procedure for a school-age minor, or the school-age minor's parents, to contest a notice of truancy.

(4) The notice of truancy described in Subsection (3):

(a) may not be issued until the school-age minor has been truant at least five times during the school year;

(b) may not be issued to a school-age minor who is less than 12 years old;

(c) may not be issued to a minor exempt from school attendance as provided in Section 53G-6-204 or 53G-6-702;

(d) shall direct the school-age minor and the parent of the school-age minor to:

(i) meet with school authorities to discuss the school-age minor's trancies; and

(ii) cooperate with the local school board, [~~local~~] charter school governing board, or school district in securing regular attendance by the school-age minor; and

(e) shall be mailed to, or served on, the school-age minor's parent.

(5) Nothing in this part prohibits a local school board, charter school governing board, or school district from taking action to resolve a truancy problem with a school-age minor who has been truant less than five times, provided that the action does not conflict with the requirements of this part.

Section 73. Section **53G-6-204** is amended to read:

53G-6-204. Minors exempt from school attendance.

(1) (a) A local school board or charter school governing board may excuse a school-age minor from attendance for any of the following reasons:

(i) a school-age minor over age 16 may receive a partial release from school to enter employment, or attend a trade school, if the school-age minor has completed [~~the eighth~~] grade 8; or

(ii) on an annual basis, a school-age minor may receive a full release from attending a public, regularly established private, or part-time school or class if:

(A) the school-age minor has already completed the work required for graduation from high school, or has demonstrated mastery of required skills and competencies in accordance with Subsection 53F-2-501(1);

(B) the school-age minor is in a physical or mental condition, certified by a competent physician if required by the local school board or charter school governing board, which renders attendance inexpedient and impracticable;

(C) proper influences and adequate opportunities for education are provided in connection with the school-age minor's employment; or

(D) the district superintendent or charter school governing board has determined that a school-age minor over the age of 16 is unable to profit from attendance at school because of inability or a continuing negative attitude toward school regulations and discipline.

(b) A school-age minor receiving a partial release from school under Subsection (1)(a)(i) is required to attend:

(i) school part time as prescribed by the local school board or charter school governing board; or

(ii) a home school part time.

(c) In each case, evidence of reasons for granting an exemption under Subsection (1) must be sufficient to satisfy the local school board or charter school governing board.

(d) A local school board or charter school governing board that excuses a school-age minor from attendance as provided by this Subsection (1) shall issue a certificate that the minor is excused from attendance during the time specified on the certificate.

(2) (a) A local school board shall excuse a school-age minor from attendance, if the school-age minor's parent files a signed and notarized affidavit with the school-age minor's school district of residence, as defined in Section 53G-6-302, that:

(i) the school-age minor will attend a home school; and

(ii) the parent assumes sole responsibility for the education of the school-age minor, except to the extent the school-age minor is dual enrolled in a public school as provided in Section 53G-6-702.

(b) A signed and notarized affidavit filed in accordance with Subsection (2)(a) shall

2911 remain in effect as long as:

2912 (i) the school-age minor attends a home school; and

2913 (ii) the school district where the affidavit was filed remains the school-age minor's
2914 district of residence.

2915 (c) A parent of a school-age minor who attends a home school is solely responsible for:

2916 (i) the selection of instructional materials and textbooks;

2917 (ii) the time, place, and method of instruction; and

2918 (iii) the evaluation of the home school instruction.

2919 (d) A local school board may not:

2920 (i) require a parent of a school-age minor who attends a home school to maintain
2921 records of instruction or attendance;

2922 (ii) require credentials for individuals providing home school instruction;

2923 (iii) inspect home school facilities; or

2924 (iv) require standardized or other testing of home school students.

2925 (e) Upon the request of a parent, a local school board shall identify the knowledge,
2926 skills, and competencies a student is recommended to attain by grade level and subject area to
2927 assist the parent in achieving college and career readiness through home schooling.

2928 (f) A local school board that excuses a school-age minor from attendance as provided
2929 by this Subsection (2) shall annually issue a certificate stating that the school-age minor is
2930 excused from attendance for the specified school year.

2931 (g) A local school board shall issue a certificate excusing a school-age minor from
2932 attendance:

2933 (i) within 30 days after receipt of a signed and notarized affidavit filed by the
2934 school-age minor's parent pursuant to this Subsection (2); and

2935 (ii) on or before August 1 each year thereafter unless:

2936 (A) the school-age minor enrolls in a school within the school district;

2937 (B) the school-age minor's parent ~~[or guardian]~~ notifies the school district that the
2938 school-age minor no longer attends a home school; or

2939 (C) the school-age minor's parent ~~[or guardian]~~ notifies the school district that the
2940 school-age minor's school district of residence has changed.

2941 (3) A parent who files a signed and notarized affidavit as provided in Subsection (2)(a)

is exempt from the application of Subsections 53G-6-202(2), (5), and (6).

(4) Nothing in this section may be construed to prohibit or discourage voluntary cooperation, resource sharing, or testing opportunities between a school or school district and a parent ~~[or guardian]~~ of a minor attending a home school.

Section 74. Section **53G-6-205** is amended to read:

53G-6-205. Preapproval of extended absence.

In determining whether to preapprove an extended absence of a school-age minor as a valid excuse under Subsection 53G-6-201(9)(e), a local school board, ~~[local]~~ charter school governing board, or school district shall approve the absence if the local school board, ~~[local]~~ charter school governing board, or school district determines that the extended absence will not adversely impact the school-age minor's education.

Section 75. Section **53G-6-206** is amended to read:

53G-6-206. Duties of a local school board, charter school governing board, or school district in resolving attendance problems -- Parental involvement -- Liability not imposed.

(1) (a) Except as provided in Subsection (1)(b), a local school board, ~~[local]~~ charter school governing board, or school district shall make efforts to resolve the school attendance problems of each school-age minor who is, or should be, enrolled in the school district.

(b) A minor exempt from school attendance under Section 53G-6-204 or 53G-6-702 is not considered to be a minor who is or should be enrolled in a school district or charter school under Subsection (1)(a).

(2) The efforts described in Subsection (1) shall include, as reasonably feasible:

(a) counseling of the minor by school authorities;

(b) issuing a notice of truancy to a school-age minor who is at least 12 years old, in accordance with Section 53G-6-203;

(c) issuing a notice of compulsory education violation to a parent of a school-age child, in accordance with Section 53G-6-202;

(d) making any necessary adjustment to the curriculum and schedule to meet special needs of the minor;

(e) considering alternatives proposed by a parent;

(f) monitoring school attendance of the minor;

(g) voluntary participation in truancy mediation, if available; and

(h) providing a school-age minor's parent, upon request, with a list of resources available to assist the parent in resolving the school-age minor's attendance problems.

(3) In addition to the efforts described in Subsection (2), the local school board, ~~[local]~~ charter school governing board, or school district may enlist the assistance of community and law enforcement agencies as appropriate and reasonably feasible in accordance with Section 53G-8-211.

(4) This section does not impose civil liability on boards of education, local school boards, ~~[local]~~ charter school governing boards, school districts, or their employees.

(5) Proceedings initiated under this part do not obligate or preclude action by the Division of Child and Family Services under Section 78A-6-319.

Section 76. Section **53G-6-207** is amended to read:

53G-6-207. Truancy specialists.

A local school board or ~~[local]~~ charter school governing board may appoint and fix the compensation of a truancy specialist to assist in enforcing laws related to school attendance and to perform other duties prescribed by law or the state board.

Section 77. Section **53G-6-208** is amended to read:

**53G-6-208. Taking custody of a person believed to be a truant minor --
Disposition -- Reports -- Immunity from liability.**

(1) A peace officer or public school administrator may take a minor into temporary custody if there is reason to believe the minor is a truant minor.

(2) An individual taking a school-age minor into custody under Subsection (1) shall, without unnecessary delay, release the minor to:

(a) the principal of the minor's school;

(b) a person who has been designated by the local school board or ~~[local]~~ charter school governing board to receive and return the minor to school; or

(c) a truancy center established under Subsection (5).

(3) If the minor refuses to return to school or go to the truancy center, the officer or administrator shall, without unnecessary delay, notify the minor's parents and release the minor to their custody.

(4) If the parents cannot be reached or are unable or unwilling to accept custody and

3004 none of the options in Subsection (2) are available, the minor shall be referred to the Division
3005 of Child and Family Services.

3006 (5) (a) A local school board or ~~[local]~~ charter school governing board, singly or jointly
3007 with another school board, may establish or designate truancy centers within existing school
3008 buildings and staff the centers with existing teachers or staff to provide educational guidance
3009 and counseling for truant minors. Upon receipt of a truant minor, the center shall, without
3010 unnecessary delay, notify and direct the minor's parents to come to the center, pick up the
3011 minor, and return the minor to the school in which the minor is enrolled.

3012 (b) If the parents cannot be reached or are unable or unwilling to comply with the
3013 request within a reasonable time, the center shall take such steps as are reasonably necessary to
3014 insure the safety and well being of the minor, including, when appropriate, returning the minor
3015 to school or referring the minor to the Division of Child and Family Services. A minor taken
3016 into custody under this section may not be placed in a detention center or other secure
3017 confinement facility.

3018 (6) Action taken under this section shall be reported to the appropriate school district.
3019 The district shall promptly notify the minor's parents of the action taken.

3020 (7) The Utah Governmental Immunity Act applies to all actions taken under this
3021 section.

3022 (8) Nothing in this section may be construed to grant authority to a public school
3023 administrator to place a minor in the custody of the Division of Child and Family Services,
3024 without complying with Title 62A, Chapter 4a, Part 2, Child Welfare Services, and Title 78A,
3025 Chapter 6, Part 3, Abuse, Neglect, and Dependency Proceedings.

3026 Section 78. Section **53G-6-209** is amended to read:

3027 **53G-6-209. Truancy support centers.**

3028 (1) A school district may establish one or more truancy support centers for:

3029 (a) truant minors taken into custody under Section 53G-6-208; or

3030 (b) students suspended or expelled from school.

3031 (2) A truancy support center shall provide services to the truant minor and the truant
3032 minor's family, including:

3033 (a) assessments of the truant minor's needs and abilities;

3034 (b) support for the parents and truant minor through counseling and community

3035 programs; and

3036 (c) tutoring for the truant minor during the time spent at the center.

3037 (3) For the suspended or expelled student, the truancy support center shall provide an
3038 educational setting, staffed with certified teachers and aides, to provide the student with
3039 ongoing educational programming appropriate to the student's grade level.

3040 (4) In a district with a truancy support center, all students suspended or expelled from
3041 school shall be referred to the center. A parent [~~or guardian~~] shall appear with the student at
3042 the center within 48 hours of the suspension or expulsion, not including weekends or holidays.
3043 The student shall register and attend classes at the truancy support center for the duration of the
3044 suspension or expulsion unless the parent [~~or guardian~~] demonstrates that alternative
3045 arrangements have been made for the education or supervision of the student during the time of
3046 suspension or expulsion.

3047 (5) The truancy support center may provide counseling and other support programming
3048 for students suspended or expelled from school and their parents [~~or guardian~~].

3049 Section 79. Section **53G-6-302** is amended to read:

3050 **53G-6-302. Child's school district of residence -- Determination -- Responsibility**
3051 **for providing educational services.**

3052 (1) As used in this section:

3053 (a) "Health care facility" means the same as that term is defined in Section 26-21-2.

3054 (b) "Human services program" means the same as that term is defined in Section
3055 62A-2-101.

3056 (2) The school district of residence of a minor child whose custodial parent [~~or legal~~
3057 ~~guardian~~] resides within Utah is:

3058 (a) the school district in which the custodial parent [~~or legal guardian~~] resides; or

3059 (b) the school district in which the child resides:

3060 (i) while in the custody or under the supervision of a Utah state agency;

3061 (ii) while under the supervision of a private or public agency which is in compliance
3062 with Section 62A-4a-606 and is authorized to provide child placement services by the state;

3063 (iii) while living with a responsible adult resident of the district, if a determination has
3064 been made in accordance with rules made by the [~~State Board of Education in accordance with~~
3065 ~~Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] state board that:

(A) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;

(B) exigent circumstances exist that do not permit the case to be appropriately addressed under Section 53G-6-402; and

(C) considering the child to be a resident of the district under this Subsection (2)(b)(iii) does not violate any other law or rule of the [~~State Board of Education~~] state board;

(iv) while the child is receiving services from a health care facility or human services program, if a determination has been made in accordance with rules made by the [~~State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~] state board that:

(A) the child's physical, mental, moral, or emotional health will best be served by considering the child to be a resident for school purposes;

(B) exigent circumstances exist that do not permit the case to be appropriately addressed under Section 53G-6-402; and

(C) considering the child to be a resident of the district under this Subsection (2)(b)(iv) does not violate any other law or rule of the [~~State Board of Education~~] state board; or

(v) if the child is married or has been determined to be an emancipated minor by a court of law or by a state administrative agency authorized to make that determination.

(3) A minor child whose custodial parent [~~or legal guardian~~] does not reside in the state is considered to be a resident of the district in which the child lives, unless that designation violates any other law or rule of the [~~State Board of Education~~] state board, if:

(a) the child is married or an emancipated minor under Subsection (2)(b)(v);

(b) the child lives with a resident of the district who is a responsible adult and whom the district agrees to designate as the child's legal guardian under Section 53G-6-303;

(c) if permissible under policies adopted by a local school board, it is established to the satisfaction of the local school board that:

(i) the child lives with a responsible adult who is a resident of the district and is the child's noncustodial parent, grandparent, brother, sister, uncle, or aunt;

(ii) the child's presence in the district is not for the primary purpose of attending the public schools;

(iii) the child's physical, mental, moral, or emotional health will best be served by

3097 considering the child to be a resident for school purposes; and
3098 (iv) the child is prepared to abide by the ~~[rules and]~~ policies of the school and school
3099 district in which attendance is sought; or
3100 (d) it is established to the satisfaction of the local school board that:
3101 (i) the child's parent ~~[or guardian]~~ moves from the state;
3102 (ii) the child's parent ~~[or guardian]~~ executes a power of attorney under Section
3103 75-5-103 that:
3104 (A) meets the requirements of Subsection (4); and
3105 (B) delegates powers regarding care, custody, or property, including schooling, to a
3106 responsible adult with whom the child resides;
3107 (iii) the responsible adult described in Subsection (3)(d)(ii)(B) is a resident of the
3108 district;
3109 (iv) the child's physical, mental, moral, or emotional health will best be served by
3110 considering the child to be a resident for school purposes;
3111 (v) the child is prepared to abide by the ~~[rules and]~~ policies of the school and school
3112 district in which attendance is sought; and
3113 (vi) the child's attendance in the school will not be detrimental to the school or school
3114 district.
3115 (4) (a) If admission is sought under Subsection (2)(b)(iii), (3)(c), or (3)(d), then the
3116 district may require the person with whom the child lives to be designated as the child's
3117 custodian in a durable power of attorney, issued by the party who has legal custody of the child,
3118 granting the custodian full authority to take any appropriate action, including authorization for
3119 educational or medical services, in the interests of the child.
3120 (b) Both the party granting and the party empowered by the power of attorney shall
3121 agree to:
3122 (i) assume responsibility for any fees or other charges relating to the child's education
3123 in the district; and
3124 (ii) if eligibility for fee waivers is claimed under Section 53G-7-504, provide the
3125 school district with all financial information requested by the district for purposes of
3126 determining eligibility for fee waivers.
3127 (c) Notwithstanding Section 75-5-103, a power of attorney meeting the requirements of

3128 this section and accepted by the school district shall remain in force until the earliest of the
3129 following occurs:

- 3130 (i) the child reaches the age of 18, marries, or becomes emancipated;
- 3131 (ii) the expiration date stated in the document; or
- 3132 (iii) the power of attorney is revoked or rendered inoperative by the grantor or grantee,
3133 or by order of a court of competent jurisdiction.

3134 (5) A power of attorney does not confer legal guardianship.

3135 (6) Each school district is responsible for providing educational services for all
3136 children of school age who are residents of the district.

3137 Section 80. Section **53G-6-303** is amended to read:

3138 **53G-6-303. Guardianship for residency purposes by responsible adult --**

3139 **Procedure to obtain -- Termination.**

3140 (1) For purposes of this part, "responsible adult" means a person 21 years of age or
3141 older who is a resident of this state and is willing and able to provide reasonably adequate food,
3142 clothing, shelter, and supervision for a minor child.

3143 (2) A local school board [~~of education~~] may adopt a policy permitting it to designate a
3144 responsible adult residing in the school district as legal guardian of a child whose custodial
3145 parent [~~or legal guardian~~] does not reside within the state upon compliance with the following
3146 requirements:

3147 (a) submission to the school district of a signed and notarized affidavit by the child's
3148 custodial parent [~~or legal guardian~~] stating that:

3149 (i) the child's presence in the district is not for the primary purpose of attending the
3150 public schools;

3151 (ii) the child's physical, mental, moral, or emotional health would best be served by a
3152 transfer of guardianship to the Utah resident;

3153 (iii) the affiant is aware that designation of a guardian under this section is equivalent
3154 to a court-ordered guardianship under Section 75-5-206 and will suspend or terminate any
3155 existing parental or guardianship rights in the same manner as would occur under a
3156 court-ordered guardianship;

3157 (iv) the affiant consents and submits to any such suspension or termination of parental
3158 or guardianship rights;

(v) the affiant consents and submits to the jurisdiction of the state district court in which the school district is located in any action relating to the guardianship or custody of the child in question;

(vi) the affiant designates a named responsible adult as agent, authorized to accept service on behalf of the affiant of any process, notice, or demand required or permitted to be served in connection with any action under Subsection (2)(a)(v); and

(vii) it is the affiant's intent that the child become a permanent resident of the state and reside with and be under the supervision of the named responsible adult;

(b) submission to the school district of a signed and notarized affidavit by the responsible adult stating that:

(i) the affiant is a resident of the school district and desires to become the guardian of the child;

(ii) the affiant consents and submits to the jurisdiction of the state district court in which the school district is located in any action relating to the guardianship or custody of the child in question;

(iii) the affiant will accept the responsibilities of guardianship for the duration, including the responsibility to provide adequate supervision, discipline, food, shelter, educational and emotional support, and medical care for the child if designated as the child's guardian; and

(iv) the affiant accepts the designation as agent under Subsection (2)(a)(vi);

(c) submission to the school district of a signed and notarized affidavit by the child stating that:

(i) the child desires to become a permanent resident of Utah and reside with and be responsible to the named responsible adult; and

(ii) the child will abide by all applicable ~~rules~~ policies of any public school which the child may attend after guardianship is awarded; and

(d) if the child's custodial parent ~~[or legal guardian]~~ cannot be found in order to execute the statement required under Subsection (2)(a), the responsible adult must submit an affidavit to that effect to the district. The district shall also submit a copy of the statement to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.

(3) The district may require the responsible adult, in addition to the documents set forth in Subsection (2), to also submit any other documents which are relevant to the appointment of a guardian of a minor or which the district reasonably believes to be necessary in connection with a given application to substantiate any claim or assertion made in connection with the application for guardianship.

(4) Upon receipt of the information and documentation required under Subsections (2) and (3), and a determination by the local school board that the information is accurate, that the requirements of this section have been met, and that the interests of the child would best be served by granting the requested guardianship, the local school board or its authorized representative may designate the applicant as guardian of the child by issuing a designation of guardianship letter to the applicant.

(5) (a) If a local school board has adopted a policy permitting the local school board to designate a guardian under this section, a denial of an application for appointment of a guardian may be appealed to the district court in which the school district is located.

(b) The court shall uphold the decision of the local school board unless it finds, by clear and convincing evidence, that the local school board's decision was arbitrary and capricious.

(c) An applicant may, rather than appealing the local school board's decision under Subsection (5)(b), file an original Petition for Appointment of Guardian with the district court, which action shall proceed as if no decision had been made by the local school board.

(6) A responsible adult obtaining guardianship under this section has the same rights, authority, and responsibilities as a guardian appointed under Section 75-5-201.

(7) (a) The school district shall deliver the original documents filed with the school district, together with a copy of the designation of guardianship issued by the district, in person or by any form of mail requiring a signed receipt, to the clerk of the state district court in which the school district is located.

(b) The court may not charge the school district a fee for filing guardianship papers under this section.

(8) (a) The authority and responsibility of a custodial parent [~~or legal guardian~~] submitting an affidavit under this section may be restored by the district, and the guardianship obtained under this section terminated by the district:

(i) upon submission to the school district in which the guardianship was obtained of a signed and notarized statement by the person who consented to guardianship under Subsection (2)(a) requesting termination of the guardianship; or

(ii) by the person accepting guardianship under Subsection (2)(b) requesting the termination of the guardianship.

(b) If the school district determines that it would not be in the best interests of the child to terminate the guardianship, the district may refer the request for termination to the state district court in which the documents were filed under Subsection (5) for further action consistent with the interests of the child.

(9) The school district shall retain copies of all documents required by this section until the child in question has reached the age of 18 unless directed to surrender the documents by a court of competent jurisdiction.

(10) (a) Intentional submission to a school district of fraudulent or misleading information under this part is punishable under Section 76-8-504.

(b) A school district which has reason to believe that a party has intentionally submitted false or misleading information under this part may, after notice and opportunity for the party to respond to the allegation:

(i) void any guardianship, authorization, or action which was based upon the false or misleading information; and

(ii) recover, from the party submitting the information, the full cost of any benefits received by the child on the basis of the false or misleading information, including tuition, fees, and other unpaid school charges, together with any related costs of recovery.

(c) A student whose guardianship or enrollment has been terminated under this section may, upon payment of all applicable tuition and fees, continue in enrollment until the end of the school year unless excluded from attendance for cause.

Section 81. Section **53G-6-305** is amended to read:

53G-6-305. District paying tuition -- Effect on state aid.

(1) A local school board may by written agreement pay the tuition of a child attending school in a district outside the state. Both districts shall approve the agreement and file it with the ~~[State Board of Education]~~ state board.

(2) The average daily membership of the child may be added to that of other eligible

3252 children attending schools within the district of residence for the purpose of apportionment of
3253 state funds.

3254 (3) (a) The district of residence shall bear any excess tuition costs over the state's
3255 contribution for attendance in the district of residence unless otherwise approved in advance by
3256 the [~~State Board of Education~~] state board.

3257 (b) (i) If a child who resides in a Utah school district's boundaries attends school in a
3258 neighboring state under this section, the [~~State Board of Education~~] state board may make an
3259 out-of-state tuition payment to the Utah school district of residence.

3260 (ii) If the [~~State Board of Education~~] state board approves the use of state funds for an
3261 out-of-state tuition payment described in Subsection (3)(b)(i), the [~~State Board of Education~~]
3262 state board shall use funds appropriated by the Legislature for necessarily existent small
3263 schools as described in Section 53F-2-304.

3264 Section 82. Section **53G-6-306** is amended to read:

3265 **53G-6-306. Permitting attendance by nonresident of the state -- Tuition.**

3266 (1) A local school board may permit a child residing outside the state to attend school
3267 within the district. With the exception of a child enrolled under Section 53G-6-707, the child
3268 is not included for the purpose of apportionment of state funds.

3269 (2) The local school board shall charge the nonresident child tuition at least equal to
3270 the per capita cost of the school program in which the child enrolls unless the local school
3271 board, in open meeting, determines to waive the charge for that child in whole or in part. The
3272 official minutes of the meeting shall reflect the determination.

3273 Section 83. Section **53G-6-401** is amended to read:

3274 **53G-6-401. Definitions.**

3275 As used in Sections 53G-6-402 through 53G-6-407:

3276 (1) "Early enrollment" means:

3277 (a) except as provided in Subsection (1)(b), application prior to the third Friday in
3278 February for admission for the next school year to a school that is not a student's school of
3279 residence; and

3280 (b) application prior to November 1 for admission for the next school year to a school
3281 that is not a student's school of residence if:

3282 (i) the school district is doing a district wide grade reconfiguration of its elementary,

3283 middle, junior, and senior high schools; and

3284 (ii) the grade reconfiguration described in Subsection (1)(b)(i) will be implemented in
3285 the next school year.

3286 (2) (a) "Early enrollment school capacity" or "maximum capacity" means the total
3287 number of students who could be served in a school building if each of the building's
3288 instructional stations were to have the enrollment specified in Subsection (2)(b).

3289 (b) (i) Except as provided in Subsection (2)(b)(ii):

3290 (A) for an elementary school, an instructional station shall have an enrollment at least
3291 equal to the school district's average class size for the corresponding grade; and

3292 (B) for a middle, junior, or senior high school, an instructional station shall have an
3293 enrollment at least equal to the district's average class size for similar classes.

3294 (ii) (A) A local school board shall determine the instructional station capacity for
3295 laboratories, physical education facilities, shops, study halls, self-contained special education
3296 classrooms, facilities jointly financed by the school district and another community agency for
3297 joint use, and similar rooms.

3298 (B) Capacity for self-contained special education classrooms shall be based upon
3299 students per class as defined by [~~State Board of Education~~] state board and federal special
3300 education standards.

3301 (3) (a) "Instructional station" means a classroom, laboratory, shop, study hall, or
3302 physical education facility to which a local school board [~~of education~~] could reasonably assign
3303 a class, teacher, or program during a given class period.

3304 (b) More than one instructional station may be assigned to a classroom, laboratory,
3305 shop, study hall, or physical education facility during a class period.

3306 (4) "Late enrollment" means application:

3307 (a) after the third Friday in February for admission for the next school year to a school
3308 that is not the student's school of residence; or

3309 (b) for admission for the current year to a school that is not the student's school of
3310 residence.

3311 (5) (a) "Late enrollment school capacity" or "adjusted capacity" means the total number
3312 of students who could be served in a school if each teacher were to have the class size specified
3313 in Subsection (5)(b).

3314 (b) (i) An elementary school teacher shall have a class size at least equal to the district's
3315 average class size for the corresponding grade.

3316 (ii) A middle, junior, or senior high school teacher shall have a class size at least equal
3317 to the district's average class size for similar classes.

3318 (6) "Nonresident student" means a student who lives outside the boundaries of the
3319 school attendance area.

3320 (7) "Open enrollment threshold" means:

3321 (a) for early enrollment, a projected school enrollment level that is the greater of:

3322 (i) 90% of the maximum capacity; or

3323 (ii) maximum capacity minus 40 students; and

3324 (b) for late enrollment, actual school enrollment that is the greater of:

3325 (i) 90% of adjusted capacity; or

3326 (ii) adjusted capacity minus 40 students.

3327 (8) "Projected school enrollment" means the current year enrollment of a school as of
3328 October 1, adjusted for projected growth for the next school year.

3329 (9) "School attendance area" means an area established by a local school board from
3330 which students are assigned to attend a certain school.

3331 (10) "School of residence" means the school to which a student is assigned to attend
3332 based on the student's place of residence.

3333 Section 84. Section **53G-6-402** is amended to read:

3334 **53G-6-402. Open enrollment options -- Procedures -- Processing fee -- Continuing**
3335 **enrollment.**

3336 (1) Each local school board is responsible for providing educational services consistent
3337 with Utah state law and rules of the [~~State Board of Education~~] state board for each student
3338 who resides in the district and, as provided in this section through Section 53G-6-407 and to
3339 the extent reasonably feasible, for any student who resides in another district in the state and
3340 desires to attend a school in the district.

3341 (2) (a) A school is open for enrollment of nonresident students if the enrollment level
3342 is at or below the open enrollment threshold.

3343 (b) If a school's enrollment falls below the open enrollment threshold, the local school
3344 board shall allow a nonresident student to enroll in the school.

(3) A local school board may allow enrollment of nonresident students in a school that is operating above the open enrollment threshold.

(4) (a) A local school board shall adopt policies describing procedures for nonresident students to follow in applying for entry into the district's schools.

(b) Those procedures shall provide, as a minimum, for:

(i) distribution to interested parties of information about the school or school district and how to apply for admission;

(ii) use of standard application forms prescribed by the ~~[State Board of Education]~~ state board;

(iii) (A) submission of applications from December 1 through the third Friday in February by those seeking admission during the early enrollment period for the following year; or

(B) submission of applications from August 1 through November 1 by those seeking admission during the early enrollment period for the following year in a school district described in Subsection 53G-6-401(1)(b);

(iv) submission of applications by those seeking admission during the late enrollment period;

(v) written notification to the student's parent ~~[or legal guardian]~~ of acceptance or rejection of an application:

(A) within six weeks after receipt of the application by the district or by March 31, whichever is later, for applications submitted during the early enrollment period;

(B) within two weeks after receipt of the application by the district or by the Friday before the new school year begins, whichever is later, for applications submitted during the late enrollment period for admission in the next school year; and

(C) within two weeks after receipt of the application by the district, for applications submitted during the late enrollment period for admission in the current year;

(vi) written notification to the resident school for intradistrict transfers or the resident district for interdistrict transfers upon acceptance of a nonresident student for enrollment; and

(vii) written notification to the parents ~~[or legal guardians]~~ of each student that resides within the school district and other interested parties of the revised early enrollment period described in Subsection 53G-6-401(1)(b) if:

3376 (A) the school district is doing a district wide grade reconfiguration of its elementary,
3377 middle, junior, and senior high schools; and

3378 (B) the grade reconfiguration described in Subsection (4)(b)(vii)(A) will be
3379 implemented in the next school year.

3380 (c) (i) Notwithstanding the dates established in Subsection (4)(b) for submitting
3381 applications and notifying parents of acceptance or rejection of an application, a local school
3382 board may delay the dates if a local school board is not able to make a reasonably accurate
3383 projection of the early enrollment school capacity or late enrollment school capacity of a school
3384 due to:

3385 (A) school construction or remodeling;

3386 (B) drawing or revision of school boundaries; or

3387 (C) other circumstances beyond the control of the local school board.

3388 (ii) The delay may extend no later than four weeks beyond the date the local school
3389 board is able to make a reasonably accurate projection of the early enrollment school capacity
3390 or late enrollment school capacity of a school.

3391 (5) A school district may charge a one-time \$5 processing fee, to be paid at the time of
3392 application.

3393 (6) An enrolled nonresident student shall be permitted to remain enrolled in a school,
3394 subject to the same rules and standards as resident students, without renewed applications in
3395 subsequent years unless one of the following occurs:

3396 (a) the student graduates;

3397 (b) the student is no longer a Utah resident;

3398 (c) the student is suspended or expelled from school; or

3399 (d) the district determines that enrollment within the school will exceed the school's
3400 open enrollment threshold.

3401 (7) (a) Determination of which nonresident students will be excluded from continued
3402 enrollment in a school during a subsequent year under Subsection (6)(d) is based upon time in
3403 the school, with those most recently enrolled being excluded first and the use of a lottery
3404 system when multiple nonresident students have the same number of school days in the school.

3405 (b) Nonresident students who will not be permitted to continue their enrollment shall
3406 be notified no later than March 15 of the current school year.

(8) The parent [~~or guardian~~] of a student enrolled in a school that is not the student's school of residence may withdraw the student from that school for enrollment in another public school by submitting notice of intent to enroll the student in:

- (a) the district of residence; or
- (b) another nonresident district.

(9) Unless provisions have previously been made for enrollment in another school, a nonresident district releasing a student from enrollment shall immediately notify the district of residence, which shall enroll the student in the resident district and take such additional steps as may be necessary to ensure compliance with laws governing school attendance.

(10) (a) Except as provided in Subsection (10)(c), a student who transfers between schools, whether effective on the first day of the school year or after the school year has begun, by exercising an open enrollment option under this section may not transfer to a different school during the same school year by exercising an open enrollment option under this section.

(b) The restriction on transfers specified in Subsection (10)(a) does not apply to a student transfer made for health or safety reasons.

(c) A local school board may adopt a policy allowing a student to exercise an open enrollment option more than once in a school year.

(11) Notwithstanding Subsections (2) and (6)(d), a student who is enrolled in a school that is not the student's school of residence, because school bus service is not provided between the student's neighborhood and school of residence for safety reasons:

(a) shall be allowed to continue to attend the school until the student finishes the highest grade level offered; and

(b) shall be allowed to attend the middle school, junior high school, or high school into which the school's students feed until the student graduates from high school.

(12) Notwithstanding any other provision of this part or Part 3, School District Residency, a student shall be allowed to enroll in any charter school or other public school in any district, including a district where the student does not reside, if the enrollment is necessary, as determined by the Division of Child and Family Services, to comply with the provisions of 42 U.S.C. Section 675.

Section 85. Section **53G-6-403** is amended to read:

53G-6-403. Policies for acceptance and rejection of applications.

(1) (a) A local school board shall adopt ~~[rules]~~ policies governing acceptance and rejection of applications required under Section 53G-6-402.

(b) The ~~[rules]~~ policies adopted under Subsection (1)(a) shall include policies and procedures to assure that decisions regarding enrollment requests are administered fairly without prejudice to any student or class of student, except as provided in Subsection (2).

(2) Standards for accepting or rejecting an application for enrollment may include:

(a) for an elementary school, the capacity of the grade level;

(b) for a secondary school, the capacity of a comprehensive program;

(c) maintenance of heterogeneous student populations if necessary to avoid violation of constitutional or statutory rights of students;

(d) not offering, or having capacity in, an elementary or secondary special education or other special program the student requires;

(e) maintenance of reduced class sizes:

(i) in a Title I school that uses federal, state, and local money to reduce class sizes for the purpose of improving student achievement; or

(ii) in a school that uses school trust money to reduce class size;

(f) willingness of prospective students to comply with district policies; and

(g) giving priority to intradistrict transfers over interdistrict transfers.

(3) (a) Standards for accepting or rejecting applications for enrollment may not include:

(i) previous academic achievement;

(ii) athletic or other extracurricular ability;

(iii) the fact that the student requires special education services for which space is available;

(iv) proficiency in the English language; or

(v) previous disciplinary proceedings, except as provided in Subsection (3)(b).

(b) A local school board may provide for the denial of applications from students who:

(i) have committed serious infractions of the law or school ~~[rules]~~ policies, including ~~[rules]~~ policies of the district in which enrollment is sought; or

(ii) have been guilty of chronic misbehavior which would, if it were to continue after the student was admitted:

(A) endanger persons or property;

(B) cause serious disruptions in the school; or

(C) place unreasonable burdens on school staff.

(c) A local school board may also provide for provisional enrollment of students with prior behavior problems, establishing conditions under which enrollment of a nonresident student would be permitted or continued.

(4) (a) The [~~State Board of Education~~] state board, in consultation with the Utah High School Activities Association, shall establish policies regarding nonresident student participation in interscholastic competition.

(b) Nonresident students shall be eligible for extracurricular activities at a public school consistent with eligibility standards as applied to students that reside within the school attendance area, except as provided by policies established under Subsection (4)(a).

(5) For each school in the district, the local school board shall post on the school district's website:

(a) the school's maximum capacity;

(b) the school's adjusted capacity;

(c) the school's projected enrollment used in the calculation of the open enrollment threshold;

(d) actual enrollment on October 1, January 2, and April 1;

(e) the number of nonresident student enrollment requests;

(f) the number of nonresident student enrollment requests accepted; and

(g) the number of resident students transferring to another school.

Section 86. Section **53G-6-404** is amended to read:

53G-6-404. Denial of enrollment -- Appeal.

(1) Denial of initial or continuing enrollment in a nonresident school may be appealed to the local school board [~~of education~~] of the nonresident district.

(2) The decision of the local school board shall be upheld in any subsequent proceedings unless the local school board's decision is found, by clear and convincing evidence, to be in violation of applicable law or regulation, or to be arbitrary and capricious.

Section 87. Section **53G-6-405** is amended to read:

53G-6-405. Funding.

(1) A student who enrolls in a nonresident district is considered a resident of that district for purposes of state funding.

(2) The [~~State Board of Education~~] state board shall adopt rules providing that:

(a) the resident district pay the nonresident district, for each of the resident district's students who enroll in the nonresident district, 1/2 of the amount by which the resident district's per student expenditure exceeds the value of the state's contribution; and

(b) if a student is enrolled in a nonresident district for less than a full year, the resident district shall pay a portion of the amount specified in Subsection (2)(a) based on the percentage of school days the student is enrolled in the nonresident district.

(3) (a) Except as provided in this Subsection (3), the parent [~~or guardian~~] of a nonresident student shall arrange for the student's own transportation to and from school.

(b) The [~~State Board of Education~~] state board may adopt rules under which nonresident students may be transported to their schools of attendance if:

(i) the transportation of students to schools in other districts would relieve overcrowding or other serious problems in the district of residence and the costs of transportation are not excessive; or

(ii) the Legislature has granted an adequate specific appropriation for that purpose.

(c) A receiving district shall provide transportation for a nonresident student on the basis of available space on an approved route within the district to the school of attendance if district students would be eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route.

(d) Nothing in this section shall be construed as prohibiting the resident district or the receiving district from providing bus transportation on any approved route.

(e) Except as provided in Subsection (3)(b), the district of residence may not claim any state transportation costs for students enrolled in other school districts.

Section 88. Section **53G-6-406** is amended to read:

53G-6-406. Graduation credits.

(1) A nonresident district shall accept credits toward graduation that were awarded by a school accredited or approved by the [~~State Board of Education~~] state board or a regional accrediting body recognized by the U.S. Department of Education.

(2) A nonresident district shall award a diploma to a nonresident student attending

school within the district during the semester immediately preceding graduation if the student meets graduation requirements generally applicable to students in the school.

(3) A district may not require that a student attend school within the district for more than one semester prior to graduation in order to receive a diploma.

Section 89. Section **53G-6-407** is amended to read:

53G-6-407. Intradistrict transfers for students impacted by boundary changes -- Transportation of students who transfer within a district.

(1) (a) In adjusting school boundaries, a local school board shall strive to avoid requiring current students to change schools and shall, to the extent reasonably feasible, accommodate parents who wish to avoid having their children attend different schools of the same level because of boundary changes which occur after one or more children in the family begin attending one of the affected schools.

(b) In granting interdistrict and intradistrict transfers to a particular school, the local school board shall take into consideration the fact that an applicant's brother or sister is attending the school or another school within the district.

(2) (a) A district shall receive transportation money under Sections 53F-2-402 and 53F-2-403 for resident students who enroll in schools other than the regularly assigned school on the basis of the distance from the student's residence to the school the student would have attended had the intradistrict attendance option not been used.

(b) The parent [~~or guardian~~] of the student shall arrange for the student's transportation to and from school, except that the district shall provide transportation on the basis of available space on an approved route within the district to the school of the student's attendance if the student would be otherwise eligible for transportation to the same school from that point on the bus route and the student's presence does not increase the cost of the bus route.

Section 90. Section **53G-6-501** is amended to read:

53G-6-501. Definitions.

As used in this part:

(1) "Asset" means the same as that term is defined in Section 53G-5-102.

(2) "Board of trustees of a higher education institution" or "board of trustees" means the same as that term is defined in Section 53G-5-102.

~~[(3) "Charter agreement" or "charter" means the same as that term is defined in Section~~

3562 ~~53G-5-102.]~~

3563 ~~[(4)]~~ (3) "Charter school authorizer" or "authorizer" means the same as that term is
3564 defined in Section 53G-5-102.

3565 ~~[(5) "Governing board" means the same as that term is defined in Section 53G-5-102.]~~

3566 Section 91. Section **53G-6-502** is amended to read:

3567 **53G-6-502. Eligible students.**

3568 (1) As used in this section:

3569 (a) "At capacity" means operating above the school's open enrollment threshold.

3570 ~~[(b) "District school" means a public school under the control of a local school board~~
3571 ~~elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School~~
3572 ~~Boards.]~~

3573 ~~[(c)]~~ (b) "Open enrollment threshold" means the same as that term is defined in Section
3574 53G-6-401.

3575 ~~[(d)]~~ (c) "Refugee" means a person who is eligible to receive benefits and services
3576 from the federal Office of Refugee Resettlement.

3577 ~~[(e)]~~ (d) "School of residence" means the same as that term is defined in Section
3578 53G-6-401.

3579 (2) All resident students of the state qualify for admission to a charter school, subject
3580 to the limitations set forth in this section and Section 53G-6-503.

3581 (3) (a) A charter school shall enroll an eligible student who submits a timely
3582 application, unless the number of applications exceeds the capacity of a program, class, grade
3583 level, or the charter school.

3584 (b) If the number of applications exceeds the capacity of a program, class, grade level,
3585 or the charter school, the charter school shall select students on a random basis, except as
3586 provided in Subsections (4) through (8).

3587 (4) A charter school may give an enrollment preference to:

3588 (a) a child or grandchild of an individual who has actively participated in the
3589 development of the charter school;

3590 (b) a child or grandchild of a member of the charter school governing board;

3591 (c) a sibling of an individual who was previously or is presently enrolled in the charter
3592 school;

(d) a child of an employee of the charter school;

(e) a student articulating between charter schools offering similar programs that are governed by the same charter school governing board;

(f) a student articulating from one charter school to another pursuant to an articulation agreement between the charter schools that is approved by the State Charter School Board; or

(g) a student who resides within up to a two-mile radius of the charter school and whose school of residence is at capacity.

(5) (a) Except as provided in Subsection (5)(b), and notwithstanding Subsection (4)(g), a charter school that is approved by the [~~State Board of Education~~] state board after May 13, 2014, and is located in a high growth area as defined in Section 53G-6-504 shall give an enrollment preference to a student who resides within a two-mile radius of the charter school.

(b) The requirement to give an enrollment preference under Subsection (5)(a) does not apply to a charter school that was approved without a high priority status pursuant to Subsection 53G-6-504(7)(b).

(6) If a district school converts to charter status, the charter school shall give an enrollment preference to students who would have otherwise attended it as a district school.

(7) (a) A charter school whose mission is to enhance learning opportunities for refugees or children of refugee families may give an enrollment preference to refugees or children of refugee families.

(b) A charter school whose mission is to enhance learning opportunities for English language learners may give an enrollment preference to English language learners.

(8) A charter school may weight the charter school's lottery to give a slightly better chance of admission to educationally disadvantaged students, including:

(a) low-income students;

(b) students with disabilities;

(c) English language learners;

(d) migrant students;

(e) neglected or delinquent students; and

(f) homeless students.

(9) A charter school may not discriminate in the charter school's admission policies or practices on the same basis as other public schools may not discriminate in admission policies

3624 and practices.

3625 Section 92. Section **53G-6-503** is amended to read:

3626 **53G-6-503. Charter school students -- Admissions procedures -- Transfers.**

3627 (1) As used in this section:

3628 ~~[(a) "District school" means a public school under the control of a local school board~~
3629 ~~elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School~~
3630 ~~Boards.]~~

3631 ~~[(b)]~~ (a) "Nonresident school district" means a school district other than a student's
3632 school district of residence.

3633 ~~[(c)]~~ (b) "School district of residence" means a student's school district of residence as
3634 determined under Section 53G-6-302.

3635 ~~[(d)]~~ (c) "School of residence" means the school to which a student is assigned to
3636 attend based on the student's place of residence.

3637 (2) (a) The ~~[State School Board]~~ state board, in consultation with the State Charter
3638 School Board, shall make rules describing procedures for students to follow in applying for
3639 entry into, or exiting, a charter school.

3640 (b) The rules under Subsection (2)(a) shall, at a minimum, provide for:

3641 (i) posting on a charter school's Internet website, beginning no later than 60 days before
3642 the school's initial period of applications:

3643 (A) procedures for applying for admission to the charter school;

3644 (B) the school's opening date, if the school has not yet opened, or the school calendar;

3645 and

3646 (C) information on how a student may transfer from a charter school to another charter
3647 school or a district school;

3648 (ii) written notification to a student's parent ~~[or legal guardian]~~ of an offer of
3649 admission;

3650 (iii) written acceptance of an offer of admission by a student's parent ~~[or legal~~
3651 ~~guardian]~~;

3652 (iv) written notification to a student's current charter school or school district of
3653 residence upon acceptance of the student for enrollment in a charter school; and

3654 (v) the admission of students at:

3655 (A) any time to protect the health or safety of a student; or

3656 (B) times other than those permitted under standard policies if there are other
3657 conditions of special need that warrant consideration.

3658 (c) The rules under Subsection (2)(a) shall prevent the parent of a student who is
3659 enrolled in a charter school or who has accepted an offer of admission to a charter school from
3660 duplicating enrollment for the student in another charter school or a school district without
3661 following the withdrawal procedures described in Subsection (3).

3662 (3) The parent of a student enrolled in a charter school may withdraw the student from
3663 the charter school for enrollment in another charter school or a school district by submitting to
3664 the charter school:

3665 (a) on or before June 30, a notice of intent to enroll the student in the student's school
3666 of residence for the following school year;

3667 (b) after June 30, a letter of acceptance for enrollment in the student's school district of
3668 residence for the following year;

3669 (c) a letter of acceptance for enrollment in the student's school district of residence in
3670 the current school year;

3671 (d) a letter of acceptance for enrollment in a nonresident school district; or

3672 (e) a letter of acceptance for enrollment in a charter school.

3673 (4) (a) A charter school shall report to a school district, by the last business day of each
3674 month the aggregate number of new students, sorted by their school of residence and grade
3675 level, who have accepted enrollment in the charter school for the following school year.

3676 (b) A school district shall report to a charter school, by the last business day of each
3677 month, the aggregate number of students enrolled in the charter school who have accepted
3678 enrollment in the school district in the following school year, sorted by grade level.

3679 (5) When a vacancy occurs because a student has withdrawn from a charter school, the
3680 charter school may immediately enroll a new student from its list of applicants.

3681 (6) Unless provisions have previously been made for enrollment in another school, a
3682 charter school releasing a student from enrollment during a school year shall immediately
3683 notify the school district of residence, which shall enroll the student in the school district of
3684 residence and take additional steps as may be necessary to ensure compliance with laws
3685 governing school attendance.

(7) (a) The parent of a student enrolled in a charter school may withdraw the student from the charter school for enrollment in the student's school of residence in the following school year if an application of admission is submitted to the school district of residence by June 30.

(b) If the parent of a student enrolled in a charter school submits an application of admission to the student's school district of residence after June 30 for the student's enrollment in the school district of residence in the following school year, or an application of admission is submitted for enrollment during the current school year, the student may enroll in a school of the school district of residence that has adequate capacity in:

(i) the student's grade level, if the student is an elementary school student; or

(ii) the core classes that the student needs to take, if the student is a secondary school student.

(c) [~~State Board of Education~~] State board rules made under Subsection (2)(a) shall specify how adequate capacity in a grade level or core classes is determined for the purposes of Subsection (7)(b).

(8) Notwithstanding Subsection (7), a school district may enroll a student at any time to protect the health and safety of the student.

(9) A school district or charter school may charge secondary students a one-time \$5 processing fee, to be paid at the time of application.

Section 93. Section **53G-6-504** is amended to read:

53G-6-504. Approval of increase in charter school enrollment capacity -- Expansion.

(1) For the purposes of this section:

(a) "High growth area" means an area of the state where school enrollment is significantly increasing or projected to significantly increase.

(b) "Next school year" means the school year that begins on or after the July 1 immediately following the end of a general session of the Legislature.

(2) The [~~State Board of Education~~] state board may approve an increase in charter school enrollment capacity subject to the Legislature:

(a) appropriating funds for an increase in charter school enrollment capacity in the next school year; or

(b) authorizing an increase in charter school enrollment capacity in the school year immediately following the next school year.

(3) In appropriating funds for, or authorizing, an increase in charter school enrollment capacity, the Legislature shall provide a separate appropriation or authorization of enrollment capacity for a charter school proposed and approved in response to a request for applications issued under Section 53G-5-301.

(4) (a) A charter school may annually submit a request to the ~~[State Board of Education]~~ state board for an increase in enrollment capacity in the amount of .25 times the number of students in grades 9 through 12 enrolled in an online course in the previous school year through the Statewide Online Education Program.

(b) A charter school shall submit a request for an increase in enrollment capacity pursuant to Subsection (4)(a) on or before October 1 of the school year for which the increase in enrollment capacity is requested.

(c) The ~~[State Board of Education]~~ state board shall approve a request for an increase in enrollment capacity made under Subsection (4)(a) subject to the availability of sufficient funds appropriated under Title 53F, Chapter 2, Part 7, Charter School Funding, to provide the full amount of the per student allocation for each charter school student in the state to supplement school district property tax revenues.

(d) An increase in enrollment capacity approved under Subsection (4)(c) shall be a permanent increase in the charter school's enrollment capacity.

(5) (a) On or before January 1, 2017, ~~[in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ the state board shall, after considering suggestions from charter school authorizers, make rules establishing requirements, procedures, and deadlines for an expansion of a charter school.

(b) The rules described in Subsection (5)(a) shall include rules related to:

(i) an expansion of a charter school when another charter school issues a notice of closure; and

(ii) the establishment of a satellite campus.

(6) (a) If the Legislature does not appropriate funds for an increase in charter school enrollment capacity that is tentatively approved by the ~~[State Board of Education]~~ state board, the ~~[State Board of Education]~~ state board shall prioritize the tentatively approved schools and

3748 expansions based on approved funds.

3749 (b) A charter school or expansion that is tentatively approved, but not funded, shall be
3750 considered to be tentatively approved for the next application year and receive priority status
3751 for available funding.

3752 (7) (a) Except as provided in Subsection (6)(b) or (7)(b), in approving an increase in
3753 charter school enrollment capacity for new charter schools and expanding charter schools, the
3754 ~~[State Board of Education]~~ state board shall give:

3755 (i) high priority to approving a new charter school or a charter school expansion in a
3756 high growth area; and

3757 (ii) low priority to approving a new charter school or a charter school expansion in an
3758 area where student enrollment is stable or declining.

3759 (b) An applicant seeking to establish a charter school in a high growth area may elect
3760 to not receive high priority status as provided in Subsection (7)(a)(i).

3761 Section 94. Section **53G-6-702** is amended to read:

3762 **53G-6-702. Dual enrollment.**

3763 ~~[(1) (a) "District school" means a public school under the control of a local school~~
3764 ~~board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local~~
3765 ~~School Boards.]~~

3766 ~~[(b)]~~ (1) ~~["Minor"]~~ As used in this section, "minor" means the same as that term is
3767 defined in Section 53G-6-201.

3768 (2) A person having control of a minor who is enrolled in a regularly established
3769 private school or a home school may also enroll the minor in a public school for dual
3770 enrollment purposes.

3771 (3) The minor may participate in any academic activity in the public school available to
3772 students in the minor's grade or age group, subject to compliance with the same rules and
3773 requirements that apply to a full-time student's participation in the activity.

3774 (4) (a) A student enrolled in a dual enrollment program in a district school is
3775 considered a student of the district in which the district school of attendance is located for
3776 purposes of state funding to the extent of the student's participation in the district school
3777 programs.

3778 (b) A student enrolled in a dual enrollment program in a charter school is considered a

student of the charter school for purposes of state funding to the extent of the student's participation in the charter school programs.

(5) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ The state board shall make rules for purposes of dual enrollment to govern and regulate the transferability of credits toward graduation that are earned in a private or home school.

Section 95. Section **53G-6-703** is amended to read:

53G-6-703. Private school and home school students' participation in extracurricular activities in a public school.

(1) As used in this section:

(a) "Academic eligibility requirements" means the academic eligibility requirements that a home school student is required to meet to participate in an extracurricular activity in a public school.

(b) "Minor" means the same as that term is defined in Section 53G-6-201.

(c) "Parent" means the same as that term is defined in Section 53G-6-201.

(d) "Principal" means the principal of the school in which a home school student participates or intends to participate in an extracurricular activity.

(2) (a) A minor who is enrolled in a private school or a home school shall be eligible to participate in an extracurricular activity at a public school as provided in this section.

(b) A private school student may only participate in an extracurricular activity at a public school that is not offered by the student's private school.

(c) Except as provided in Subsection (2)(d), a private school student or a home school student may only participate in an extracurricular activity at:

(i) the school within whose attendance boundaries the student's custodial parent ~~[or legal guardian]~~ resides; or

(ii) the school from which the student withdrew for the purpose of attending a private or home school.

(d) A school other than a school described in Subsection (2)(c)(i) or (ii) may allow a private school student or a home school student to participate in an extracurricular activity other than:

(i) an interscholastic competition of athletic teams sponsored and supported by a public

3810 school; or

3811 (ii) an interscholastic contest or competition for music, drama, or forensic groups or
3812 teams sponsored and supported by a public school.

3813 (3) (a) Except as provided in Subsections (4) through (13), a private school or home
3814 school student shall be eligible to participate in an extracurricular activity at a public school
3815 consistent with eligibility standards:

3816 (i) applied to a fully enrolled public school student;

3817 (ii) of the public school where the private school or home school student participates in
3818 an extracurricular activity; and

3819 (iii) for the extracurricular activity in which the private school or home school student
3820 participates.

3821 (b) A school district or public school may not impose additional requirements on a
3822 private school or home school student to participate in an extracurricular activity that are not
3823 imposed on a fully enrolled public school student.

3824 (c) (i) A private school or home school student who participates in an extracurricular
3825 activity at a public school shall pay the same fees as required of a fully enrolled public school
3826 student to participate in an extracurricular activity.

3827 (ii) If a local school board or charter school governing board imposes a mandatory
3828 student activity fee for a student enrolled in a public school, the fee may be imposed on a
3829 private school or home school student who participates in an extracurricular activity at the
3830 public school if the same benefits of paying the mandatory student activity fee that are
3831 available to a fully enrolled public school student are available to a private school or home
3832 school student who participates in an extracurricular activity at the public school.

3833 (4) Eligibility requirements based on school attendance are not applicable to a home
3834 school student.

3835 (5) A home school student meets academic eligibility requirements to participate in an
3836 extracurricular activity if:

3837 (a) the student is mastering the material in each course or subject being taught; and

3838 (b) the student is maintaining satisfactory progress towards achievement or promotion.

3839 (6) (a) To establish a home school student's academic eligibility, a parent, teacher, or
3840 organization providing instruction to the student shall submit an affidavit to the principal

3841 indicating the student meets academic eligibility requirements.

3842 (b) Upon submission of an affidavit pursuant to Subsection (6)(a), a home school
3843 student shall:

3844 (i) be considered to meet academic eligibility requirements; and

3845 (ii) retain academic eligibility for all extracurricular activities during the activity season
3846 for which the affidavit is submitted, until:

3847 (A) a panel established under Subsection (10) determines the home school student does
3848 not meet academic eligibility requirements; or

3849 (B) the person who submitted the affidavit under Subsection (6)(a) provides written
3850 notice to the school principal that the student no longer meets academic eligibility
3851 requirements.

3852 (7) (a) A home school student who loses academic eligibility pursuant to Subsection
3853 (6)(b)(ii)(B) may not participate in an extracurricular activity until the person who submitted
3854 the affidavit under Subsection (6)(a) provides written notice to the school principal that the
3855 home school student has reestablished academic eligibility.

3856 (b) If a home school student reestablishes academic eligibility pursuant to Subsection
3857 (7)(a), the home school student may participate in extracurricular activities for the remainder of
3858 the activity season for which an affidavit was submitted under Subsection (6)(a).

3859 (8) A person who has probable cause to believe a home school student does not meet
3860 academic eligibility requirements may submit an affidavit to the principal:

3861 (a) asserting the home school student does not meet academic eligibility requirements;
3862 and

3863 (b) providing information indicating that the home school student does not meet the
3864 academic eligibility requirements.

3865 (9) A principal shall review the affidavit submitted under Subsection (8), and if the
3866 principal determines it contains information which constitutes probable cause to believe a
3867 home school student may not meet academic eligibility requirements, the principal shall
3868 request a panel established pursuant to Subsection (10) to verify the student's compliance with
3869 academic eligibility requirements.

3870 (10) (a) A school district superintendent shall:

3871 (i) appoint a panel of three individuals to verify a home school student's compliance

3872 with academic eligibility requirements when requested by a principal pursuant to Subsection
3873 (9); and

3874 (ii) select the panel members from nominees submitted by national, state, or regional
3875 organizations whose members are home school students and parents.

3876 (b) Of the members appointed to a panel under Subsection (10)(a):

3877 (i) one member shall have experience teaching in a public school as a licensed teacher
3878 and in home schooling high school-age students;

3879 (ii) one member shall have experience teaching in a higher education institution and in
3880 home schooling; and

3881 (iii) one member shall have experience in home schooling high school-age students.

3882 (11) A panel appointed under Subsection (10):

3883 (a) shall review the affidavit submitted under Subsection (8);

3884 (b) may confer with the person who submitted the affidavit under Subsection (8);

3885 (c) shall request the home school student to submit test scores or a portfolio of work
3886 documenting the student's academic achievement to the panel;

3887 (d) shall review the test scores or portfolio of work; and

3888 (e) shall determine whether the home school student meets academic eligibility
3889 requirements.

3890 (12) A home school student who meets academic eligibility requirements pursuant to
3891 Subsection (11), retains academic eligibility for all extracurricular activities during the activity
3892 season for which an affidavit is submitted pursuant to Subsection (6).

3893 (13) (a) A panel's determination that a home school student does not comply with
3894 academic eligibility requirements is effective for an activity season and all extracurricular
3895 activities that have academic eligibility requirements.

3896 (b) A home school student who is not in compliance with academic eligibility
3897 requirements as determined by a panel appointed under Subsection (11) may seek to establish
3898 academic eligibility under this section for the next activity season.

3899 (14) (a) A public school student who has been declared to be academically ineligible to
3900 participate in an extracurricular activity and who subsequently enrolls in a home school shall
3901 lose eligibility for participation in the extracurricular activity until the student:

3902 (i) demonstrates academic eligibility by providing test results or a portfolio of the

student's work to the school principal, provided that a student may not reestablish academic eligibility under this Subsection (14)(a) during the same activity season in which the student was declared to be academically ineligible;

(ii) returns to public school and reestablishes academic eligibility; or

(iii) enrolls in a private school and establishes academic eligibility.

(b) A public school student who has been declared to be behaviorally ineligible to participate in an extracurricular activity and who subsequently enrolls in a home school shall lose eligibility for participation in the extracurricular activity until the student meets eligibility standards as provided in Subsection (3).

(15) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, a private school student and a home school student shall be eligible to try out for and participate in the activity as provided in this section.

(16) (a) If a student exits a public school to enroll in a private or home school mid-semester or during an activity season, and the student desires to participate in an extracurricular activity at the public school, the public school shall issue an interim academic assessment based on the student's work in each class.

(b) A student's academic eligibility to participate in an extracurricular activity under the circumstances described in Subsection (16)(a) shall be based on the student meeting public school academic eligibility standards at the time of exiting public school.

(c) A student may appeal an academic eligibility determination made under Subsection (16)(b) in accordance with procedures for appealing a public school student's academic eligibility.

Section 96. Section **53G-6-704** is amended to read:

53G-6-704. Charter school students' participation in extracurricular activities at other public schools.

(1) A charter school student is eligible to participate in an extracurricular activity not offered by the student's charter school at:

(a) the school within whose attendance boundaries the student's custodial parent [or ~~legal guardian~~] resides;

(b) the public school from which the student withdrew for the purpose of attending a charter school; or

(c) a public school that is not a charter school if the student's charter school is located on the campus of the public school or has local school board approval to locate on the campus of the public school.

(2) In addition to the public schools listed in Subsection (1), the [~~State Board of Education~~] state board may establish rules to allow a charter school student to participate in an extracurricular activity at a public school other than a public school listed in Subsection (1).

(3) A school other than a school described in Subsection (1)(a), (b), or (c) may allow a charter school student to participate in extracurricular activities other than:

(a) interschool competitions of athletic teams sponsored and supported by a public school; or

(b) interschool contests or competitions for music, drama, or forensic groups or teams sponsored and supported by a public school.

(4) A charter school student is eligible for extracurricular activities at a public school consistent with eligibility standards as applied to full-time students of the public school.

(5) A school district or public school may not impose additional requirements on a charter school student to participate in extracurricular activities that are not imposed on full-time students of the public school.

(6) (a) The [~~State Board of Education~~] state board shall make rules establishing fees for charter school students' participation in extracurricular activities at school district schools.

(b) The rules shall provide that:

(i) charter school students pay the same fees as other students to participate in extracurricular activities;

(ii) charter school students are eligible for fee waivers pursuant to Section 53G-7-504;

(iii) for each charter school student who participates in an extracurricular activity at a school district school, the charter school shall pay a share of the school district's costs for the extracurricular activity; and

(iv) a charter school's share of the costs of an extracurricular activity shall reflect state and local tax revenues expended, except capital facilities expenditures, for an extracurricular activity in a school district or school divided by total student enrollment of the school district or school.

(c) In determining a charter school's share of the costs of an extracurricular activity

under Subsections (6)(b)(iii) and (iv), the ~~[State Board of Education]~~ state board may establish uniform fees statewide based on average costs statewide or average costs within a sample of school districts.

(7) When selection to participate in an extracurricular activity at a public school is made on a competitive basis, a charter school student is eligible to try out for and participate in the activity as provided in this section.

Section 97. Section **53G-6-705** is amended to read:

53G-6-705. Online students' participation in extracurricular activities.

(1) As used in this section:

(a) "Online education" means the use of information and communication technologies to deliver educational opportunities to a student in a location other than a school.

(b) "Online student" means a student who:

(i) participates in an online education program sponsored or supported by the ~~[State Board of Education]~~ state board, a school district, or charter school; and

(ii) generates funding for the school district or school pursuant to Subsection 53F-2-102~~(6)~~(4) and rules of the ~~[State Board of Education]~~ state board.

(2) An online student is eligible to participate in extracurricular activities at:

(a) the school within whose attendance boundaries the student's custodial parent ~~[or legal guardian]~~ resides; or

(b) the public school from which the student withdrew for the purpose of participating in an online education program.

(3) A school other than a school described in Subsection (2)(a) or (b) may allow an online student to participate in extracurricular activities other than:

(a) interschool competitions of athletic teams sponsored and supported by a public school; or

(b) interschool contests or competitions for music, drama, or forensic groups or teams sponsored and supported by a public school.

(4) An online student is eligible for extracurricular activities at a public school consistent with eligibility standards as applied to full-time students of the public school.

(5) A school district or public school may not impose additional requirements on an online school student to participate in extracurricular activities that are not imposed on

3996 full-time students of the public school.

3997 (6) (a) The [~~State Board of Education~~] state board shall make rules establishing fees for
3998 an online school student's participation in extracurricular activities at school district schools.

3999 (b) The rules shall provide that:

4000 (i) online school students pay the same fees as other students to participate in
4001 extracurricular activities;

4002 (ii) online school students are eligible for fee waivers pursuant to Section 53G-7-504;

4003 (iii) for each online school student who participates in an extracurricular activity at a
4004 school district school, the online school shall pay a share of the school district's costs for the
4005 extracurricular activity; and

4006 (iv) an online school's share of the costs of an extracurricular activity shall reflect state
4007 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
4008 activity in a school district or school divided by total student enrollment of the school district
4009 or school.

4010 (c) In determining an online school's share of the costs of an extracurricular activity
4011 under Subsections (6)(b)(iii) and (iv), the [~~State Board of Education~~] state board may establish
4012 uniform fees statewide based on average costs statewide or average costs within a sample of
4013 school districts.

4014 (7) When selection to participate in an extracurricular activity at a public school is
4015 made on a competitive basis, an online student is eligible to try out for and participate in the
4016 activity as provided in this section.

4017 Section 98. Section **53G-6-706** is amended to read:

4018 **53G-6-706. Placement of a home school student who transfers to a public school.**

4019 (1) For the purposes of this section:

4020 (a) "Home school student" means a student who attends a home school pursuant to
4021 Section 53G-6-204.

4022 (b) "Parent" means the same as that term is defined in Section 53G-6-201.

4023 (2) When a home school student transfers from a home school to a public school, the
4024 public school shall place the student in the grade levels, classes, or courses that the student's
4025 parent [~~or guardian~~] and in consultation with the school administrator determine are
4026 appropriate based on the parent's [~~or guardian's~~] assessment of the student's academic

4027 performance.

4028 (3) (a) Within 30 days of a home school student's placement in a public school grade
4029 level, class, or course, either the student's teacher or the student's parent [~~or guardian~~] may
4030 request a conference to consider changing the student's placement.

4031 (b) If the student's teacher and the student's parent [~~or guardian~~] agree on a placement
4032 change, the public school shall place the student in the agreed upon grade level, class, or
4033 course.

4034 (c) If the student's teacher and the student's parent [~~or guardian~~] do not agree on a
4035 placement change, the public school shall evaluate the student's subject matter mastery in
4036 accordance with Subsection (3)(d).

4037 (d) The student's parent [~~or guardian~~] has the option of:

4038 (i) allowing the public school to administer, to the student, assessments that are:

4039 (A) regularly administered to public school students; and

4040 (B) used to measure public school students' subject matter mastery and determine
4041 placement; or

4042 (ii) having a private entity or individual administer assessments of subject matter
4043 mastery to the student at the parent's [~~or guardian's~~] expense.

4044 (e) After an evaluation of a student's subject matter mastery, a public school may
4045 change a student's placement in a grade level, class, or course.

4046 (4) This section does not apply to a student who is dual enrolled in a public school and
4047 a home school pursuant to Section 53G-6-702.

4048 Section 99. Section **53G-6-707** is amended to read:

4049 **53G-6-707. Interstate compact students -- Inclusion in attendance count --**
4050 **Foreign exchange students -- Annual report -- Requirements for exchange student**
4051 **agencies.**

4052 (1) A school district or charter school may include the following students in the
4053 district's or school's membership and attendance count for the purpose of apportionment of
4054 state money:

4055 (a) a student enrolled under an interstate compact, established between the [~~State Board~~
4056 ~~of Education~~] state board and the state education authority of another state, under which a
4057 student from one compact state would be permitted to enroll in a public school in the other

4058 compact state on the same basis as a resident student of the receiving state; or

4059 (b) a student receiving services under Title 62A, Chapter 4a, Part 7, Interstate Compact
4060 on Placement of Children.

4061 (2) A school district or charter school may:

4062 (a) enroll foreign exchange students that do not qualify for state money; and

4063 (b) pay for the costs of those students with other funds available to the school district
4064 or charter school.

4065 (3) Due to the benefits to all students of having the opportunity to become familiar
4066 with individuals from diverse backgrounds and cultures, school districts are encouraged to
4067 enroll foreign exchange students, as provided in Subsection (2), particularly in schools with
4068 declining or stable enrollments where the incremental cost of enrolling the foreign exchange
4069 student may be minimal.

4070 (4) The state board shall make an annual report to the Legislature on the number of
4071 exchange students and the number of interstate compact students sent to or received from
4072 public schools outside the state.

4073 (5) (a) A local school board or charter school governing board shall require each
4074 approved exchange student agency to provide it with a sworn affidavit of compliance prior to
4075 the beginning of each school year.

4076 (b) The affidavit shall include the following assurances:

4077 (i) that the agency has complied with all applicable policies of the state board;

4078 (ii) that a household study, including a background check of all adult residents, has
4079 been made of each household where an exchange student is to reside, and that the study was of
4080 sufficient scope to provide reasonable assurance that the exchange student will receive proper
4081 care and supervision in a safe environment;

4082 (iii) that host parents have received training appropriate to their positions, including
4083 information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who
4084 are in a position of special trust;

4085 (iv) that a representative of the exchange student agency shall visit each student's place
4086 of residence at least once each month during the student's stay in Utah;

4087 (v) that the agency will cooperate with school and other public authorities to ensure
4088 that no exchange student becomes an unreasonable burden upon the public schools or other

4089 public agencies;

4090 (vi) that each exchange student will be given in the exchange student's native language
4091 names and telephone numbers of agency representatives and others who could be called at any
4092 time if a serious problem occurs; and

4093 (vii) that alternate placements are readily available so that no student is required to
4094 remain in a household if conditions appear to exist which unreasonably endanger the student's
4095 welfare.

4096 (6) (a) A local school board or charter school governing board shall provide each
4097 approved exchange student agency with a list of names and telephone numbers of individuals
4098 not associated with the agency who could be called by an exchange student in the event of a
4099 serious problem.

4100 (b) The agency shall make a copy of the list available to each of its exchange students
4101 in the exchange student's native language.

4102 (7) Notwithstanding Subsection 53F-2-303(3)(a), a school district or charter school
4103 shall enroll a foreign exchange student if the foreign exchange student:

4104 (a) is sponsored by an agency approved by the [~~State Board of Education~~] state board;

4105 (b) attends the same school during the same time period that another student from the
4106 school is:

4107 (i) sponsored by the same agency; and

4108 (ii) enrolled in a school in a foreign country; and

4109 (c) is enrolled in the school for one year or less.

4110 Section 100. Section **53G-6-708** is amended to read:

4111 **53G-6-708. Career and technical education program alternatives.**

4112 (1) A secondary student may attend a technical college described in Section
4113 53B-2a-105 if the secondary student's career and technical education goals are better achieved
4114 by attending a technical college as determined by:

4115 (a) the secondary student; and

4116 (b) if the secondary student is a minor, the secondary student's parent [~~or legal~~
4117 guardian].

4118 (2) A secondary student served under this section by a technical college described in
4119 Section 53B-2a-105 shall be counted in the average daily membership of the sending school

4120 district or charter school.

4121 Section 101. Section **53G-6-801** is amended to read:

4122 **53G-6-801. Definitions.**

4123 As used in this part:

4124 (1) "Federal law" means:

4125 (a) a statute passed by the Congress of the United States; or

4126 (b) a final regulation:

4127 (i) adopted by an administrative agency of the United States government; and

4128 (ii) published in the code of federal regulations or the federal register.

4129 ~~[(2) "Individualized Education Program" or "IEP" means a written statement, for a~~
 4130 ~~student with a disability, that is developed, reviewed, and revised in accordance with the~~
 4131 ~~Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.]~~

4132 ~~[(3) "LEA" means a school district, charter school, or the Utah Schools for the Deaf~~
 4133 ~~and the Blind.]~~

4134 ~~[(4) (2) "Reasonably accommodate" means an LEA shall make its best effort to enable~~
 4135 ~~a parent [or guardian] to exercise a parental right specified in Section 53G-6-803:~~

4136 (a) without substantial impact to staff and resources, including employee working
 4137 conditions, safety and supervision on school premises and for school activities, and the
 4138 efficient allocation of expenditures; and

4139 (b) while balancing:

4140 (i) the parental rights of parents ~~[or guardians]~~;

4141 (ii) the educational needs of other students;

4142 (iii) the academic and behavioral impacts to a classroom;

4143 (iv) a teacher's workload; and

4144 (v) the assurance of the safe and efficient operation of a school.

4145 Section 102. Section **53G-6-802** is amended to read:

4146 **53G-6-802. Annual notice of parental rights.**

4147 (1) An LEA shall annually notify a parent ~~[or guardian]~~ of a student enrolled in the
 4148 LEA of the parent's ~~[or guardian's]~~ rights as specified in this part.

4149 (2) An LEA satisfies the notification requirement described in Subsection (1) by
 4150 posting the information on the LEA's website or through other means of electronic

4151 communication.

4152 Section 103. Section **53G-6-803** is amended to read:

4153 **53G-6-803. Parental right to academic accommodations.**

4154 (1) (a) A student's parent [~~or guardian~~] is the primary person responsible for the
4155 education of the student, and the state is in a secondary and supportive role to the parent [~~or~~
4156 ~~guardian~~]. As such, a student's parent [~~or guardian~~] has the right to reasonable academic
4157 accommodations from the student's LEA as specified in this section.

4158 (b) Each accommodation shall be considered on an individual basis and no student
4159 shall be considered to a greater or lesser degree than any other student.

4160 (c) The parental rights specified in this section do not include all the rights or
4161 accommodations that may be available to a student's parent [~~or guardian~~] as a user of the public
4162 education system.

4163 (d) An accommodation under this section may only be provided if the accommodation
4164 is:

4165 (i) consistent with federal law; and

4166 (ii) consistent with a student's IEP if the student already has an IEP.

4167 (2) An LEA shall reasonably accommodate a parent's [~~or guardian's~~] written request to
4168 retain a student in kindergarten through grade 8 on grade level based on the student's academic
4169 ability or the student's social, emotional, or physical maturity.

4170 (3) An LEA shall reasonably accommodate a parent's [~~or guardian's~~] initial selection of
4171 a teacher or request for a change of teacher.

4172 (4) An LEA shall reasonably accommodate the request of a student's parent [~~or~~
4173 ~~guardian~~] to visit and observe any class the student attends.

4174 (5) Notwithstanding Part 2, Compulsory Education, an LEA shall record an excused
4175 absence for a scheduled family event or a scheduled proactive visit to a health care provider if:

4176 (a) the parent [~~or guardian~~] submits a written statement at least one school day before
4177 the scheduled absence; and

4178 (b) the student agrees to make up course work for school days missed for the scheduled
4179 absence in accordance with LEA policy.

4180 (6) (a) An LEA shall reasonably accommodate a parent's [~~or guardian's~~] written request
4181 to place a student in a specialized class, a specialized program, or an advanced course.

(b) An LEA shall consider multiple academic data points when determining an accommodation under Subsection (6)(a).

(7) Consistent with Section 53E-4-204, which requires the ~~[State Board of Education]~~ state board to establish graduation requirements that use competency-based standards and assessments, an LEA shall allow a student to earn course credit towards high school graduation without completing a course in school by:

(a) testing out of the course; or

(b) demonstrating competency in course standards.

(8) An LEA shall reasonably accommodate a parent's ~~[or guardian's]~~ request to meet with a teacher at a mutually agreeable time if the parent ~~[or guardian]~~ is unable to attend a regularly scheduled parent teacher conference.

(9) (a) At the request of a student's parent ~~[or guardian]~~, an LEA shall excuse a student from taking an assessment that:

(i) is federally mandated;

(ii) is mandated by the state under this public education code; or

(iii) requires the use of:

(A) a state assessment system; or

(B) software that is provided or paid for by the state.

(b) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ The state board shall make rules:

(i) to establish a statewide procedure for excusing a student under Subsection (9)(a) that:

(A) does not place an undue burden on a parent ~~[or guardian]~~; and

(B) may be completed online; and

(ii) to prevent negative impact, to the extent authorized by state statute, to an LEA or an LEA's employees through school grading or employee evaluations due to a student not taking a test under Subsection (9)(a).

(c) An LEA:

(i) shall follow the procedures outlined in rules made by the ~~[State Board of Education]~~ state board under Subsection (9)(b) to excuse a student under Subsection (9)(a);

(ii) may not require procedures to excuse a student under Subsection (9)(a) in addition

4213 to the procedures outlined in rules made by the [~~State Board of Education~~] state board under
4214 Subsection (9)(b); and

4215 (iii) may not reward a student for taking an assessment described in Subsection (9)(a).

4216 (d) The [~~State Board of Education~~] state board shall:

4217 (i) maintain and publish a list of state assessments, state assessment systems, and
4218 software that qualify under Subsection (9)(a); and

4219 (ii) audit and verify an LEA's compliance with the requirements of this Subsection (9).

4220 (10) (a) An LEA shall provide for:

4221 (i) the distribution of a copy of a school's discipline and conduct policy to each student
4222 in accordance with Section 53G-8-204; and

4223 (ii) a parent's [~~or guardian's~~] signature acknowledging receipt of the school's discipline
4224 and conduct policy.

4225 (b) An LEA shall notify a parent [~~or guardian~~] of a student's violation of a school's
4226 discipline and conduct policy and allow a parent [~~or guardian~~] to respond to the notice in
4227 accordance with Chapter 8, Part 2, School Discipline and Conduct Plans.

4228 Section 104. Section **53G-7-202** is amended to read:

4229 **53G-7-202. Waivers from state board rules.**

4230 (1) A charter school or any other public school or school district may apply to the
4231 [~~State Board of Education~~] state board for a waiver of any state board rule that inhibits or
4232 hinders the school or the school district from accomplishing its mission or educational goals set
4233 out in its strategic plan or charter agreement.

4234 (2) The state board may grant the waiver, unless:

4235 (a) the waiver would cause the school district or the school to be in violation of state or
4236 federal law; or

4237 (b) the waiver would threaten the health, safety, or welfare of students in the district or
4238 at the school.

4239 (3) If the [~~State Board of Education~~] state board denies the waiver, the reason for the
4240 denial shall be provided in writing to the waiver applicant.

4241 Section 105. Section **53G-7-203** is amended to read:

4242 **53G-7-203. Kindergartens -- Establishment -- Funding.**

4243 (1) Kindergartens are an integral part of the state's public education system.

(2) Each local [~~board of education~~] school board shall provide kindergarten classes free of charge for kindergarten children residing within the district.

(3) Kindergartens established under Subsection (2) shall receive state money under Title 53F, Public Education System -- Funding.

Section 106. Section **53G-7-205** is amended to read:

53G-7-205. Assessment of emerging and early reading skills -- Resources provided by school districts.

(1) The Legislature recognizes that well-developed reading skills help:

(a) children to succeed in school, develop self esteem, and build positive relationships with others;

(b) young adults to become independent learners; and

(c) adults to become and remain productive members of a rapidly changing technology-based society.

(2) (a) Each potential kindergarten student, the student's parent [~~or guardian~~], and kindergarten personnel at the student's school may participate in an assessment of the student's reading and numeric skills.

(b) The [~~State Board of Education~~] state board, in cooperation with the state's school districts, may develop the assessment instrument and any additional materials needed to implement and supplement the assessment program.

(3) The potential kindergarten student's teacher may use the assessment in planning and developing an instructional program to meet the student's identified needs.

(4) (a) Each school is encouraged to schedule the assessment early enough before the kindergarten starting date so that a potential kindergarten student's parent [~~or guardian~~] has time to develop the child's needed skills as identified by the assessment.

(b) Based on the assessment under Subsection (2), the school shall provide the potential student's parent [~~or guardian~~] with appropriate resource materials to assist the parent [~~or guardian~~] at home in the student's literacy development.

Section 107. Section **53G-7-206** is amended to read:

53G-7-206. Acceptance of credits and grades awarded by accredited schools.

(1) (a) A public school shall accept credits and grades awarded to a student by a school accredited or approved by the [~~State Board of Education~~] state board or accredited or

4275 recognized by the Northwest Association of Accredited Schools as issued by the school,
4276 without alterations.

4277 (b) Credits awarded for a core standards for Utah public schools course shall be applied
4278 to fulfilling core standards for Utah public schools requirements.

4279 (2) Subsection (1) applies to credits awarded to a student who:

4280 (a) transfers to a public school; or

4281 (b) while enrolled in the public school, takes courses offered by another public or
4282 private school.

4283 (3) Subsection (1) applies to:

4284 (a) traditional classes in which an instructor is present in the classroom and the student
4285 is required to attend the class for a particular length of time;

4286 (b) open entry/open exit classes in which the student has the flexibility to begin or end
4287 study at any time, progress through course material at his own pace, and demonstrate
4288 competency when knowledge and skills have been mastered;

4289 (c) courses offered over the Internet; or

4290 (d) distance learning courses.

4291 Section 108. Section **53G-7-208** is amended to read:

4292 **53G-7-208. Local governmental entities and school districts -- Contracts and**
4293 **cooperation -- Disbursement of funds -- Municipal and county representative**
4294 **participation in local school board meetings -- Notice required.**

4295 (1) Local governmental entities and school districts may contract and cooperate with
4296 one another in matters affecting the health, welfare, education, and convenience of the
4297 inhabitants within their respective territorial limits.

4298 (2) A local governmental entity may disburse public funds in aid of a school district
4299 located wholly or partially within the limits of its jurisdiction.

4300 (3) (a) As used in this Subsection (3):

4301 (i) "Interested county executive" means the county executive or county manager of a
4302 county with unincorporated area within the boundary of a school district, or the designee of the
4303 county executive or county manager.

4304 (ii) "Interested mayor" means the mayor of a municipality that is partly or entirely
4305 within the boundary of a school district, or the mayor's designee.

(b) A ~~[school district]~~ local school board shall allow an interested mayor and interested county executive to attend and participate in the local school board discussions at a ~~[school district]~~ local school board meeting that is open to the public under Title 52, Chapter 4, Open and Public Meetings Act.

(c) An interested county executive and interested mayor may attend and participate in local school board discussions at a ~~[school district]~~ local school board meeting that is closed to the public under Title 52, Chapter 4, Open and Public Meetings Act, if:

(i) the ~~[school district]~~ local school board invites the interested county executive or interested mayor to attend and participate; and

(ii) for a closed meeting held for the purpose of discussing the local school board's disposition or acquisition of real property, the interested county executive or interested mayor does not have a conflict of interest with respect to the real estate disposition or acquisition.

(d) (i) A county or municipality may enter into an agreement with a school district under Title 11, Chapter 13, Interlocal Cooperation Act, to govern the attendance of an interested county executive or interested mayor at a ~~[school district]~~ local school board meeting.

(ii) An agreement under Subsection (3)(d)(i) may not be inconsistent with the provisions of this Subsection (3).

(e) Each local school board shall give notice of local school board meetings to each interested mayor and interested county executive.

(f) The notice required under Subsection (3)(c) shall be provided by:

(i) mail;

(ii) e-mail; or

(iii) other effective means agreed to by the person to whom notice is given.

Section 109. Section **53G-7-213** is amended to read:

53G-7-213. Child care centers in public schools -- Requirements -- Availability -- Compliance with state and local laws.

(1) (a) Upon receiving a request from a community group such as a community council, local PTA, or parent/student organization, a local school board may authorize the use of a part of any school building in the district to provide child care services for school aged children.

(b) (i) The local school board shall provide written public notice of its intent to authorize a child care center.

(ii) The local school board shall file a copy of the notice with the Office of Child Care within the Department of Workforce Services and the Department of Health.

(2) (a) Establishment of a child care center in a public school building is contingent upon the local school board determining that the center will not interfere with the building's use for regular school purposes.

(b) The decision shall be made at the sole discretion of the local school board.

(c) A local school board may withdraw its approval to operate a child care center at any time if it determines that such use interferes with the operation or interest of the school.

(d) The school district and its employees and agents are immune from any liability that might otherwise result from a withdrawal of approval if the withdrawal was made in good faith.

(3) (a) The local school board shall charge a commercially reasonable fee for the use of a school building as a child care center so that the district does not incur an expense.

(b) The fee shall include but not be limited to costs for utility, building maintenance, and administrative services supplied by the school that are related to the operation of the child care center.

(4) (a) Child care service may be provided by governmental agencies other than school districts, nonprofit community service groups, or private providers.

(b) If competitive proposals to provide child care services are submitted by the entities listed in Subsection (4)(a), the local school board shall give preference to the private provider and nonprofit community service groups so long as their proposals are judged to be at least equal to the proposal of the governmental agency.

(c) It is intended that these programs function at the local community level with minimal state and district involvement.

(5) It is the intent of the Legislature that providers not be required to go through a complex procedure in order to obtain approval for providing the service.

(6) (a) Child care centers within a public school building shall make their services available to all children regardless of where the children reside.

(b) If space and resources are limited, first priority shall be given to those who reside

within the school boundaries where the center is located, and to the children of teachers and other employees of the school where the child care center is located.

(c) Second priority shall be given to those who reside within the school district boundaries where the center is located.

(7) (a) The local school board shall require proof of liability insurance which is adequate in the opinion of the local school board for use of school property as a child care center.

(b) A school district participating in the state Risk Management Fund shall require the provider of child care services to comply with the applicable provisions of Title 63A, Chapter 4, Risk Management.

(8) Child care centers established under this section shall operate in compliance with state and local laws and regulations, including zoning and licensing requirements, and applicable school ~~rules~~ policies.

(9) Except for Subsection (8), this section does not apply to child care centers established by a school district within a public school building if the center offers child care services primarily to children of employees or children of students of the school district.

Section 110. Section **53G-7-214** is amended to read:

53G-7-214. Honorary high school diploma for certain veterans.

(1) A ~~[board of education of a school district]~~ local school board may award an honorary high school diploma to a veteran, if the veteran:

(a) left high school before graduating in order to serve in the armed forces of the United States;

(b) served in the armed forces of the United States during the period of World War II, the Korean War, or the Vietnam War;

(c) (i) was honorably discharged; or

(ii) was released from active duty because of a service-related disability; and

(d) (i) resides within the school district; or

(ii) resided within the school district at the time of leaving high school to serve in the armed forces of the United States.

(2) To receive an honorary high school diploma, a veteran or immediate family member or guardian of a veteran shall submit to a local school board:

(a) a request for an honorary high school diploma; and

(b) information required by the local school board to verify the veteran's eligibility for an honorary high school diploma under Subsection (1).

(3) At the request of a veteran, a veteran's immediate family member or guardian, or a local school board, the Department of Veterans and Military Affairs shall certify whether the veteran meets the requirements of Subsections (1)(b) and (c).

Section 111. Section **53G-7-215** is amended to read:

53G-7-215. Competency-based education -- Recommendations -- Coordination.

(1) As used in this section, "competency-based education" means the same as that term is defined in Section 53F-5-501.

(2) A local school board or a charter school governing board may establish a competency-based education program.

(3) A local school board or charter school governing board that establishes a competency-based education program shall:

(a) establish assessments to accurately measure competency;

(b) provide the assessments to an enrolled student at no cost to the student;

(c) award credit to a student who demonstrates competency and subject mastery;

(d) submit the competency-based standards to the ~~[State Board of Education]~~ state board for review; and

(e) publish the competency-based standards on its website or by other electronic means readily accessible to the public.

(4) A local school board or charter school governing board may:

(a) on a random lottery-based basis, limit enrollment to courses that have been designated as competency-based courses;

(b) waive or adapt traditional attendance requirements;

(c) adjust class sizes to maximize the value of course instructors or course mentors;

(d) enroll students from any geographic location within the state; and

(e) provide proctored online competency-based assessments.

Section 112. Section **53G-7-302** is amended to read:

53G-7-302. School district and charter school budgets.

(1) As used in this section:

- 4430 (a) "Budget officer" means:
- 4431 (i) for a school district, the school district's superintendent; or
- 4432 (ii) for a charter school, an individual selected by the charter school governing board.
- 4433 (b) [~~"Governing"~~] "LEA governing board" means:
- 4434 (i) for a school district, the local school board; or
- 4435 (ii) for a charter school, the charter school governing board.
- 4436 (2) Before June 1 of each year, the budget officer shall prepare a tentative budget, with
- 4437 supporting documentation, to be submitted to the budget officer's LEA governing board.
- 4438 (3) The tentative budget and supporting documents shall include the following items:
- 4439 (a) the revenues and expenditures of the preceding fiscal year;
- 4440 (b) the estimated revenues and expenditures of the current fiscal year;
- 4441 (c) for a school district, an estimate of the revenues for the succeeding fiscal year based
- 4442 upon the lowest tax levy that will raise the required revenue, using the current year's taxable
- 4443 value as the basis for this calculation;
- 4444 (d) a detailed estimate of the essential expenditures for all purposes for the next
- 4445 succeeding fiscal year; and
- 4446 (e) the estimated financial condition of the school district or charter school by funds at
- 4447 the close of the current fiscal year.
- 4448 (4) The tentative budget shall be filed with the district business administrator or charter
- 4449 school executive director for public inspection at least 15 days before the date of the tentative
- 4450 budget's proposed adoption by the LEA governing board.
- 4451 Section 113. Section **53G-7-303 (Effective 01/01/19)** is amended to read:
- 4452 **53G-7-303 (Effective 01/01/19). LEA governing board budget procedures.**
- 4453 (1) As used in this section:
- 4454 (a) "Budget officer" means:
- 4455 (i) for a school district, the school district's superintendent; or
- 4456 (ii) for a charter school, an individual selected by the charter school governing board.
- 4457 (b) [~~"Governing"~~] "LEA governing board" means:
- 4458 (i) for a school district, the local school board; or
- 4459 (ii) for a charter school, the charter school governing board.
- 4460 (2) (a) For a school district, before June 30 of each year, a local school board shall

4461 adopt a budget and make appropriations for the next fiscal year.

4462 (b) For a school district, if the tax rate in the school district's proposed budget exceeds
4463 the certified tax rate defined in Section 59-2-924, the local school board shall comply with
4464 Section 59-2-919 in adopting the budget, except as provided by Section 53F-8-301.

4465 (3) (a) For a school district, before the adoption or amendment of a budget, a local
4466 school board shall hold a public hearing, as defined in Section 10-9a-103, on the proposed
4467 budget or budget amendment.

4468 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act,
4469 in regards to the public hearing described in Subsection (3)(a), at least 10 days prior to the
4470 public hearing, a local school board shall:

4471 (i) publish a notice of the public hearing in a newspaper or combination of newspapers
4472 of general circulation in the school district, except as provided in Section 45-1-101;

4473 (ii) publish a notice of the public hearing electronically in accordance with Section
4474 45-1-101;

4475 (iii) file a copy of the proposed budget with the local school board's business
4476 administrator for public inspection; and

4477 (iv) post the proposed budget on the school district's Internet website.

4478 (c) A notice of a public hearing on a school district's proposed budget shall include
4479 information on how the public may access the proposed budget as provided in Subsections
4480 (3)(b)(iii) and (iv).

4481 (4) For a charter school, before June 30 of each year, a charter school governing board
4482 shall adopt a budget for the next fiscal year.

4483 (5) Within 30 days of adopting a budget, [a] an LEA governing board shall file a copy
4484 of the adopted budget with the state auditor and the [~~State Board of Education~~] state board.

4485 Section 114. Section **53G-7-304** is amended to read:

4486 **53G-7-304. Undistributed reserve in local school board budget.**

4487 (1) A local school board may adopt a budget with an undistributed reserve. The reserve
4488 may not exceed 5% of the maintenance and operation budget adopted by the local school board
4489 in accordance with a scale developed by the [~~State Board of Education~~] state board. The scale
4490 is based on the size of the school district's budget.

4491 (2) The local school board may appropriate all or a part of the undistributed reserve

made to any expenditure classification in the maintenance and operation budget by written resolution adopted by a majority vote of the local school board setting forth the reasons for the appropriation. The local school board shall file a copy of the resolution with the [~~State Board of Education~~] state board and the state auditor.

(3) The local school board may not use undistributed reserves in the negotiation or settlement of contract salaries for school district employees.

Section 115. Section **53G-7-305** is amended to read:

53G-7-305. Limits on appropriations -- Estimated expendable revenue.

(1) As used in this section:

(a) "Budget officer" means:

(i) for a school district, the school district's superintendent; or

(ii) for a charter school, an individual selected by the charter school governing board.

(b) [~~"Governing~~] "LEA governing board" means:

(i) for a school district, the local school board; or

(ii) for a charter school, the charter school governing board.

(2) [~~A~~] An LEA governing board may not make an appropriation in excess of its estimated expendable revenue, including undistributed reserves, for the following fiscal year.

(3) [~~A~~] An LEA governing board may reduce a budget appropriation at the LEA governing board's regular meeting if notice of the proposed action is given to all LEA governing board members and to the district superintendent or charter school executive director, as applicable, at least one week before the meeting.

(4) For a school district, in determining the estimated expendable revenue, any existing deficits arising through excessive expenditures from former years are deducted from the estimated revenue for the ensuing year to the extent of at least 10% of the entire tax revenue of the district for the previous year.

(5) For a school district, in the event of financial hardships, the local school board may deduct from the estimated expendable revenue for the ensuing year, by fund, at least 25% of the deficit amount.

(6) For a school district, all estimated balances available for appropriations at the end of the fiscal year shall revert to the funds from which they were appropriated and shall be fund balances available for appropriation in the budget of the following year.

(7) For a school district, an increase in an appropriation may not be made by the local school board unless the following steps are taken:

(a) the local school board receives a written request from the district superintendent that sets forth the reasons for the proposed increase;

(b) notice of the request is published:

(i) in a newspaper of general circulation within the school district at least one week before the local school board meeting at which the request will be considered; and

(ii) in accordance with Section 45-1-101, at least one week before the local school board meeting at which the request will be considered; and

(c) the local school board holds a public hearing on the request before the local school board's acting on the request.

Section 116. Section **53G-7-306** is amended to read:

53G-7-306. School district interfund transfers.

(1) A school district shall spend revenues only within the fund for which they were originally authorized, levied, collected, or appropriated.

(2) Except as otherwise provided in this section, school district interfund transfers of residual equity are prohibited.

(3) The ~~[State Board of Education]~~ state board may authorize school district interfund transfers of residual equity when a district states its intent to create a new fund or expand, contract, or liquidate an existing fund.

(4) The ~~[State Board of Education]~~ state board may also authorize school district interfund transfers of residual equity for a financially distressed district if the state board determines the following:

(a) the district has a significant deficit in its maintenance and operations fund caused by circumstances not subject to the administrative decisions of the district;

(b) the deficit cannot be reasonably reduced under Section 53G-7-305; and

(c) without the transfer, the school district will not be capable of meeting statewide educational standards adopted by the ~~[State Board of Education]~~ state board.

(5) The board shall develop in rule standards for defining and aiding financially distressed school districts under this section ~~[in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~.

(6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded and reported in the debt service fund.

(b) Debt service levies under Subsection 59-2-924 (5)(c) that are not subject to the public hearing provisions of Section 59-2-919 may not be used for any purpose other than retiring general obligation debt.

(c) Amounts from these levies remaining in the debt service fund at the end of a fiscal year shall be used in subsequent years for general obligation debt retirement.

(d) Any amounts left in the debt service fund after all general obligation debt has been retired may be transferred to the capital projects fund upon completion of the budgetary hearing process required under Section 53G-7-303.

Section 117. Section **53G-7-307** is amended to read:

53G-7-307. Warrants drawn by budget officer.

(1) As used in this section:

(a) "Budget officer" means:

(i) for a school district, the school district's superintendent; or

(ii) for a charter school, an individual selected by the charter school governing board.

(b) [~~"Governing~~] "LEA governing board" means:

(i) for a school district, the local school board; or

(ii) for a charter school, the charter school governing board.

(2) The budget officer of [~~a~~] an LEA governing board may not draw warrants on school district or charter school funds except in accordance with and within the limits of the budget passed by the LEA governing board.

Section 118. Section **53G-7-309** is amended to read:

53G-7-309. Monthly budget reports.

(1) As used in this section:

(a) "Budget officer" means:

(i) for a school district, the school district's superintendent; or

(ii) for a charter school, an individual selected by the charter school governing board.

(b) [~~"Governing~~] "LEA governing board" means:

(i) for a school district, the local school board; or

(ii) for a charter school, the charter school governing board.

(2) The business administrator or budget officer of [a] an LEA governing board shall provide each LEA governing board member with a report, on a monthly basis, that includes the following information:

- (a) the amounts of all budget appropriations;
- (b) the disbursements from the appropriations as of the date of the report; and
- (c) the percentage of the disbursements as of the date of the report.

(3) Within five days of providing the monthly report described in Subsection (2) to [a] an LEA governing board, the business administrator or budget officer shall make a copy of the report available for public review.

Section 119. Section **53G-7-402** is amended to read:

53G-7-402. Internal auditing program -- Audit committee -- Powers and duties.

(1) A local school board or charter school governing board shall establish an audit committee.

(2) (a) The audit committee shall establish an internal audit program that provides internal audit services for the programs administered by the local education agency.

(b) A local education agency that has fewer than 10,000 students is not subject to Subsection (2)(a).

(3) (a) A local school board or charter school governing board shall appoint the audit director, with the advisement of the audit committee, if the local school board or charter school governing board hires an audit director.

(b) If the local school board or charter school governing board has not appointed an audit director and the local school board or charter school governing board contracts directly for internal audit services, the local school board or charter school governing board shall approve a contract for internal audit services, with the advisement of the audit committee.

(4) The audit committee shall ensure that copies of all reports of audit findings issued by the internal auditors are available, upon request, to the audit director of the [~~State Board of Education~~] state board, the Office of the State Auditor, and the Office of Legislative Auditor General.

(5) The audit committee shall ensure that significant audit matters that cannot be appropriately addressed by the local education agency internal auditors are referred to either the audit director of the [~~State Board of Education~~] state board, the Office of the State Auditor, or

4616 the Office of Legislative Auditor General.

4617 (6) The audit director may contract with a consultant to assist with an audit.

4618 (7) The audit director of the [~~State Board of Education~~] state board and the Office of
4619 the State Auditor may contract to provide internal audit services.

4620 Section 120. Section **53G-7-503** is amended to read:

4621 **53G-7-503. State policy on student fees, deposits, or other charges.**

4622 (1) For purposes of this part:

4623 [~~(a) "Board" means the State Board of Education.~~]

4624 [~~(b)~~] (a) "Secondary school" means a school that provides instruction to students in
4625 grades 7, 8, 9, 10, 11, or 12.

4626 [~~(c)~~] (b) "Secondary school student":

4627 (i) means a student enrolled in a secondary school; and

4628 (ii) includes a student in grade 6 if the student attends a secondary school.

4629 (2) (a) A secondary school may impose fees on secondary school students.

4630 (b) The state board shall adopt rules regarding the imposition of fees in secondary
4631 schools in accordance with the requirements of this part.

4632 (3) A fee, deposit, or other charge may not be made, or any expenditure required of a
4633 student or the student's parent [~~or guardian~~], as a condition for student participation in an
4634 activity, class, or program provided, sponsored, or supported by or through a public school or
4635 school district, unless authorized by the local school board or charter school governing board
4636 under rules adopted by the state board.

4637 (4) (a) A fee, deposit, charge, or expenditure may not be required for elementary school
4638 activities which are part of the regular school day or for supplies used during the regular school
4639 day.

4640 (b) An elementary school or elementary school teacher may compile and provide to a
4641 student's parent [~~or guardian~~] a suggested list of supplies for use during the regular school day
4642 so that a parent [~~or guardian~~] may furnish on a voluntary basis those supplies for student use.

4643 (c) A list provided to a student's parent [~~or guardian~~] pursuant to Subsection (4)(b)
4644 shall include and be preceded by the following language:

4645 "NOTICE: THE ITEMS ON THIS LIST WILL BE USED DURING THE REGULAR
4646 SCHOOL DAY. THEY MAY BE BROUGHT FROM HOME ON A VOLUNTARY BASIS,

OTHERWISE, THEY WILL BE FURNISHED BY THE SCHOOL."

Section 121. Section **53G-7-504** is amended to read:

53G-7-504. Waiver of fees.

(1) (a) A local school board shall require, as part of an authorization granted under Section 53G-7-503, that adequate waivers or other provisions are available to ensure that no student is denied the opportunity to participate because of an inability to pay the required fee, deposit, or charge.

(b) (i) If, however, a student must repeat a course or requires remediation to advance or graduate and a fee is associated with the course or the remediation program, it is presumed that the student will pay the fee.

(ii) If the student or the student's parent [~~or guardian~~] is financially unable to pay the fee, the local school board shall provide for alternatives to waiving the fee, which may include installment payments and school or community service or work projects for the student.

(iii) In cases of extreme financial hardship or where the student has suffered a long-term illness, or death in the family, or other major emergency and where installment payments and the imposition of a service or work requirement would not be reasonable, the student may receive a partial or full waiver of the fee required under Subsection (1)(b)(i).

(iv) The waiver provisions in Subsections (2) and (3) apply to all other fees, deposits, and charges made in the secondary schools.

(2) (a) The local school board shall require each school in the district that charges a fee under this part and Part 6, Textbook Fees, to provide a variety of alternatives for satisfying the fee requirement to those who qualify for fee waivers, in addition to the outright waiver of the fee.

(b) The local school board shall develop and provide a list of alternatives for the schools, including such options as allowing the student to provide:

(i) tutorial assistance to other students;

(ii) assistance before or after school to teachers and other school personnel on school related matters; and

(iii) general community or home service.

(c) Each school may add to the list of alternatives provided by the local school board, subject to approval by the local school board.

(3) A local school board may establish policies providing for partial fee waivers or other alternatives for those students who, because of extenuating circumstances, are not in a financial position to pay the entire fee.

(4) With regard to children who are in the custody of the Division of Child and Family Services who are also eligible under Title IV-E of the federal Social Security Act, local school boards shall require fee waivers or alternatives in accordance with Subsections (1) through (3).

(5) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ The state board shall make rules:

(a) requiring a parent ~~[or guardian]~~ of a student applying for a fee waiver to provide documentation and certification to the school verifying:

(i) the student's eligibility to receive the waiver; and

(ii) that the alternatives for satisfying the fee requirements under Subsection (2) have been complied with to the fullest extent reasonably possible according to the individual circumstances of both the fee waiver applicant and the school; and

(b) specifying the acceptable forms of documentation for the requirement under Subsection (5)(a), which shall include verification based on income tax returns or current pay stubs.

(6) Notwithstanding the requirements under Subsection (5), a school is not required to keep documentation on file after the verification is completed.

Section 122. Section **53G-7-505** is amended to read:

53G-7-505. Notice of student fees and waivers.

A local school board shall annually give written notice of its student fee schedules and fee waiver policies to the parent ~~[or guardian]~~ of a child who attends a public school within the district.

Section 123. Section **53G-7-602** is amended to read:

53G-7-602. State policy on providing textbooks.

(1) It is the public policy of this state that public education shall be free.

(2) A student may not be denied an education because of economic inability to purchase textbooks necessary for advancement in or graduation from the public school system.

(3) ~~[A school]~~ An LEA governing board may not sell textbooks or otherwise charge textbook fees or deposits except as provided in this public education code.

Section 124. Section **53G-7-603** is amended to read:

53G-7-603. Purchase of textbooks by local school board -- Sales to pupils -- Free textbooks -- Textbooks provided to teachers -- Payment of costs -- Rental of textbooks.

(1) A local school board, under rules adopted by the [~~State Board of Education~~] state board, may purchase textbooks for use in the public schools directly from the publisher at prices and terms approved by the state board and may sell those books to pupils in grades [~~nine~~] 9 through 12 at a cost not to exceed the actual cost of the book plus costs of transportation and handling.

(2) Each local school board, however, shall provide, free of charge, textbooks and workbooks required for courses of instruction for each child attending public schools whose parent [~~or guardian~~] is financially unable to purchase them.

(3) Children who are receiving cash assistance under Title 35A, Chapter 3, Part 3, Family Employment Program, supplemental security income, or who are in the custody of the Division of Child and Family Services within the Department of Human Services are eligible for free textbooks and workbooks under this section.

(4) The local school board shall also purchase all books necessary for teachers to conduct their classes.

(5) The cost of furnishing textbooks and workbooks may be paid from school operating funds, the textbook fund, or from other available funds.

(6) Books provided to teachers and pupils without charge or at less than full cost are paid for out of funds of the district and remain the property of the district.

(7) In school districts that require pupils to rent books instead of purchasing them or providing them free of charge, the local school board shall waive rental fees for a child whose parent [~~or guardian~~] is financially unable to pay the rental fee. The children considered eligible under Subsection (3) are also eligible for the purposes of this Subsection (7).

Section 125. Section **53G-7-604** is amended to read:

53G-7-604. Free textbook system.

(1) If a local school board considers it desirable or necessary, or if the local school board is petitioned by two-thirds of those voting in the district, it shall provide free textbooks to all pupils in the schools under its charge.

(2) Books purchased under this section shall be paid for out of the funds of the district.

(3) The local school board shall assure that sufficient funds are raised and set aside for this purpose.

(4) A local school board that has adopted the free textbook system shall terminate the system if petitioned by two-thirds of those voting in an election conducted for that purpose vote to terminate the system.

(5) The local school board may not act upon a petition to terminate the free textbook system during a period of four years after the system is adopted.

(6) The local school board may not reinstitute a free textbook system until four years after its termination.

Section 126. Section **53G-7-605** is amended to read:

53G-7-605. Repurchase and resale of textbooks.

(1) If a student moves from a district in which free textbooks were not provided, the local school board of that district may purchase the books used by the student at a reasonable price, based upon the original cost and the condition of the book upon return.

(2) The books purchased by the district under this section may be resold to other students in the district.

Section 127. Section **53G-7-606** is amended to read:

53G-7-606. Disposal of textbooks.

(1) For a school year beginning with or after the 2012-13 school year, a local school district may not dispose of textbooks used in its public schools without first notifying all other school districts in the state of its intent to dispose of the textbooks.

(2) Subsection (1) does not apply to textbooks that have been damaged, mutilated, or worn out.

(3) The [~~State Board of Education~~] state board shall develop rules and procedures directing the disposal of textbooks.

Section 128. Section **53G-7-701** is amended to read:

53G-7-701. Definitions.

As used in this part:

(1) "Bigotry" means action or advocacy of imminent action involving:

(a) the harassment or denigration of a person or entity; or

(b) any intent to cause a person not to freely enjoy or exercise any right secured by the

constitution or laws of the United States or the state, except that an evaluation or prohibition may not be made of the truth or falsity of any religious belief or expression of conscience unless the means of expression or conduct arising therefrom violates the standards of conduct outlined in this section, Section 53G-10-203, or 20 U.S.C. Sec. 4071(f).

(2) "Club" means any student organization that meets during noninstructional time.

(3) "Conscience" means a standard based upon learned experiences, a personal philosophy or system of belief, religious teachings or doctrine, an absolute or external sense of right and wrong which is felt on an individual basis, a belief in an external absolute, or any combination of the foregoing.

(4) "Curricular club" means a club that is school sponsored and that may receive leadership, direction, and support from the school or school district beyond providing a meeting place during noninstructional time. An elementary school curricular club means a club that is organized and directed by school sponsors at the elementary school. A secondary school curricular club means a club:

(a) whose subject matter is taught or will soon be taught in a regular course;

(b) whose subject matter concerns the body of courses as a whole;

(c) in which participation is required for a particular course; or

(d) in which participation results in academic credit.

(5) (a) "Discretionary time" means school-related time for students that is not instructional time.

(b) "Discretionary time" includes free time before and after school, during lunch and between classes or on buses, and private time before athletic and other events or activities.

(6) (a) "Encourage criminal or delinquent conduct" means action or advocacy of imminent action that violates any law or administrative rule.

(b) "Encourage criminal or delinquent conduct" does not include discussions concerning changing of laws or rules, or actions taken through lawfully established channels to effectuate such change.

(7) (a) "Instructional time" means time during which a school is responsible for a student and the student is required or expected to be actively engaged in a learning activity.

(b) "Instructional time" includes instructional activities in the classroom or study hall during regularly scheduled hours, required activities outside the classroom, and counseling,

4802 private conferences, or tutoring provided by school employees or volunteers acting in their
 4803 official capacities during or outside of regular school hours.

4804 (8) "Involve human sexuality" means:

4805 (a) presenting information in violation of laws governing sex education, including
 4806 Sections 53G-10-402 and 53E-9-203;

4807 (b) advocating or engaging in sexual activity outside of legally recognized marriage or
 4808 forbidden by state law; or

4809 (c) presenting or discussing information relating to the use of contraceptive devices or
 4810 substances, regardless of whether the use is for purposes of contraception or personal health.

4811 (9) "LEA governing board" means a local school board or charter school governing
 4812 board.

4813 ~~[(9)]~~ (10) "Limited open forum" means a forum created by a school district or charter
 4814 school for student expression within the constraints of Subsection 53G-10-203(2)(b).

4815 ~~[(10)]~~ (11) "Noncurricular club" is a student initiated group that may be authorized and
 4816 allowed school facilities use during noninstructional time in secondary schools by a school and
 4817 ~~[school]~~ LEA governing board in accordance with the provisions of this part. A noncurricular
 4818 club's meetings, ideas, and activities are not sponsored or endorsed in any way by ~~[a school]~~ an
 4819 LEA governing board, the school, or by school or school district employees.

4820 ~~[(11)]~~ (12) "Noninstructional time" means time set aside by a school before
 4821 instructional time begins or after instructional time ends, including discretionary time.

4822 ~~[(12)]~~ (13) "Religious club" means a noncurricular club designated in its application as
 4823 either being religiously based or based on expression or conduct mandated by conscience.

4824 ~~[(13)]~~ (14) "School" means a public school, including a charter school.

4825 ~~[(14)]~~ (15) (a) "School facilities use" means access to a school facility, premises, or
 4826 playing field.

4827 (b) "School facilities use" includes access to a limited open forum.

4828 ~~[(15)] "School governing board" means a local school board or charter school board.]~~

4829 Section 129. Section **53G-7-702** is amended to read:

4830 **53G-7-702. Student clubs -- Limited open forum -- Authorization.**

4831 (1) (a) A school may establish and maintain a limited open forum for student clubs
 4832 pursuant to the provisions of this part, ~~[State Board of Education]~~ state board rules, and

4833 [school] LEA governing board policies.

4834 (b) Notwithstanding the provisions under Subsection (1)(a), a school retains the right to
4835 create a closed forum at any time by allowing curricular clubs only.

4836 (2) (a) A school shall review applications for authorization of clubs on a case-by-case
4837 basis.

4838 (b) Before granting an authorization, the school shall find:

4839 (i) that the proposed club meets this part's respective requirements of a curricular club
4840 or a noncurricular club; and

4841 (ii) that the proposed club's purpose and activities comply with this part.

4842 (c) Before granting an authorization, a school may request additional information from
4843 the faculty sponsor, from students proposing the club, or from its [school] LEA governing
4844 board, if desired.

4845 (3) A school shall grant authorization and school facilities use to curricular and
4846 noncurricular clubs whose applications are found to meet the requirements of this part, rules of
4847 the ~~[State Board of Education]~~ state board, and policies of the [school] LEA governing board
4848 and shall limit or deny authorization or school facilities use to proposed clubs that do not meet
4849 the requirements of this part, rules of the ~~[State Board of Education]~~ state board, and policies of
4850 the [school] LEA governing board.

4851 Section 130. Section **53G-7-703** is amended to read:

4852 **53G-7-703. Curricular clubs -- Authorization.**

4853 (1) Faculty members or students proposing a curricular club shall submit written
4854 application for authorization on a form approved by the [school] LEA governing board.

4855 (2) ~~[A school]~~ An LEA governing board may exempt a club whose membership is
4856 determined by student body election or a club that is governed by an association that regulates
4857 interscholastic activities from the authorization requirements under this section.

4858 (3) An application for authorization of a curricular club shall include:

4859 (a) the recommended club name;

4860 (b) a statement of the club's purpose, goals, and activities;

4861 (c) a statement of the club's categorization, which shall be included in the parental
4862 consent required under Section 53G-7-709, indicating all of the following that may apply:

4863 (i) athletic;

(ii) business/economic;

(iii) agriculture;

(iv) art/music/performance;

(v) science;

(vi) gaming;

(vii) religious;

(viii) community service/social justice; and

(ix) other;

(d) the recommended meeting times, dates, and places;

(e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and

(f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.

(4) The application may be as brief as a single page so long as it contains the items required under this section.

(5) A school shall approve the name of a curricular club consistent with the club's purposes and its school sponsorship.

(6) (a) A school shall determine curriculum relatedness by strictly applying this part's definition of curricular club to the club application.

(b) If the school finds that the proposed club is a curricular club, the school shall continue to review the application as an application for authorization of a curricular club.

(c) If the school finds that the proposed club is a noncurricular club, the school may:

(i) return the application to the faculty member or students proposing the club for amendment; or

(ii) review the application as an application for authorization of a noncurricular club.

(7) (a) Only curricular clubs may be authorized for elementary schools.

(b) A school governing body may limit, or permit a secondary school to limit, the authorization of clubs at the secondary school to only curricular clubs.

Section 131. Section **53G-7-704** is amended to read:

53G-7-704. Noncurricular clubs -- Annual authorization.

(1) A noncurricular club shall have a minimum of three members.

(2) Students proposing a noncurricular club shall submit a written application for authorization on a form approved by the ~~[school]~~ LEA governing board.

(3) An application for authorization of a noncurricular club shall include:

(a) the recommended club name;

(b) a statement of the club's purpose, goals, and activities;

(c) a statement of the club's categorization, which shall be included in the parental consent required under Section 53G-7-709, indicating all of the following that may apply:

(i) athletic;

(ii) business/economic;

(iii) agriculture;

(iv) art/music/performance;

(v) science;

(vi) gaming;

(vii) religious;

(viii) community service/social justice; and

(ix) other;

(d) the recommended meeting times, dates, and places;

(e) a statement that the club will comply with the provisions of this part and all other applicable laws, rules, or policies; and

(f) a budget showing the amount and source of any funding provided or to be provided to the club and its proposed use.

(4) The application may be as brief as a single page so long as it contains the items required under this section.

(5) (a) ~~[A school]~~ An LEA governing board may provide for approval of a noncurricular club name in an action separate from that relating to authorization of the club itself.

(b) ~~[A school]~~ An LEA governing board shall require:

(i) that a noncurricular club name shall reasonably reflect the club's purpose, goals, and activities; and

(ii) that the noncurricular club name shall be a name that would not result in or imply a violation of this part.

Section 132. Section **53G-7-705** is amended to read:

53G-7-705. Clubs -- Limitations and denials.

(1) A school shall limit or deny authorization or school facilities use to a club, or require changes prior to granting authorization or school facilities use:

(a) as the school determines it to be necessary to:

(i) protect the physical, emotional, psychological, or moral well-being of students and faculty;

(ii) maintain order and discipline on school premises;

(iii) prevent a material and substantial interference with the orderly conduct of a school's educational activities;

(iv) protect the rights of parents [~~or guardians~~] and students;

(v) maintain the boundaries of socially appropriate behavior; or

(vi) ensure compliance with all applicable laws, rules, regulations, and policies; or

(b) if a club's proposed charter and proposed activities indicate students or advisors in club related activities would as a substantial, material, or significant part of their conduct or means of expression:

(i) encourage criminal or delinquent conduct;

(ii) promote bigotry;

(iii) involve human sexuality; or

(iv) involve any effort to engage in or conduct mental health therapy, counseling, or psychological services for which a license would be required under state law.

(2) [~~A school~~] An LEA governing board has the authority to determine whether any club meets the criteria of Subsection (1).

(3) If a school or [~~school~~] LEA governing board limits or denies authorization to a club, the school or [~~school~~] LEA governing board shall provide, in writing, to the applicant the factual and legal basis for the limitation or denial.

(4) A student's spontaneous expression of sentiments or opinions otherwise identified in Subsection 53E-9-203(1) is not prohibited.

Section 133. Section **53G-7-707** is amended to read:

53G-7-707. Use of school facilities by clubs.

(1) A school shall determine and assign school facilities use for curricular and

4957 noncurricular clubs consistent with the needs of the school.

4958 (2) The following [~~rules~~] provisions apply to curricular clubs:

4959 (a) in assigning school facilities use, the administrator may give priority to curricular
4960 clubs over noncurricular clubs; and

4961 (b) the school may provide financial or other support to curricular clubs.

4962 (3) The following [~~rules~~] provisions apply to noncurricular clubs:

4963 (a) a preference or priority may not be given among noncurricular clubs;

4964 (b) (i) a school shall only provide the space for noncurricular club meetings; and

4965 (ii) a school may not spend public funds for noncurricular clubs, except as required to
4966 implement the provisions of this part, including providing space and faculty oversight for
4967 noncurricular clubs;

4968 (c) a school shall establish the noninstructional times during which noncurricular clubs
4969 may meet;

4970 (d) a school may establish the places that noncurricular clubs may meet;

4971 (e) a school may set the number of hours noncurricular clubs may use the school's
4972 facilities per month, provided that all noncurricular clubs shall be treated equally; and

4973 (f) a school shall determine what access noncurricular clubs shall be given to the
4974 school newspaper, yearbook, bulletin boards, or public address system, provided that all
4975 noncurricular clubs shall be treated equally.

4976 Section 134. Section **53G-7-708** is amended to read:

4977 **53G-7-708. Club membership.**

4978 (1) A school shall require written parental [~~or guardian~~] consent for student
4979 participation in all curricular and noncurricular clubs at the school.

4980 (2) Membership in curricular clubs is governed by the following [~~rules~~]:

4981 (a) (i) membership may be limited to students who are currently attending the
4982 sponsoring school or school district; and

4983 (ii) members who attend a school other than the sponsoring school shall have, in
4984 addition to the consent required under Section 53G-7-709, specific parental [~~or guardian~~]
4985 permission for membership in a curricular club at another school;

4986 (b) (i) curricular clubs may require that prospective members try out based on objective
4987 criteria outlined in the application materials; and

(ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies; and

(c) other rules or policies as determined by the [~~State Board of Education~~] state board, school district, or school.

(3) Membership in noncurricular clubs is governed by the following [rules]:

(a) student membership in a noncurricular club is voluntary;

(b) membership shall be limited to students who are currently attending the school;

(c) (i) noncurricular clubs may require that prospective members try out based on objective criteria outlined in the application materials; and

(ii) try-outs may not require activities that violate the provisions of this part and other applicable laws, rules, and policies;

(d) a copy of any written or other media materials that were presented at a noncurricular club meeting by a nonschool person shall be delivered to a school administrator no later than 24 hours after the noncurricular club meeting and, if requested, a student's parent [~~or legal guardian~~] shall have an opportunity to review those materials; and

(e) other rules or policies as determined by the [~~State Board of Education~~] state board, school district, or school.

Section 135. Section **53G-7-709** is amended to read:

53G-7-709. Parental consent.

(1) A school shall require written parental [~~or guardian~~] consent for student participation in all curricular and noncurricular clubs at the school.

(2) The consent described in Subsection (1) shall include an activity disclosure statement containing the following information:

(a) the specific name of the club;

(b) a statement of the club's purpose, goals, and activities;

(c) a statement of the club's categorization, which shall be obtained from the application for authorization of a club in accordance with the provisions of Section 53G-7-703 or 53G-7-704, indicating all of the following that may apply:

(i) athletic;

(ii) business/economic;

(iii) agriculture;

(iv) art/music/performance;
(v) science;
(vi) gaming;
(vii) religious;
(viii) community service/social justice; and
(ix) other;
(d) beginning and ending dates;
(e) a tentative schedule of the club activities with dates, times, and places specified;
(f) personal costs associated with the club, if any;
(g) the name of the sponsor, supervisor, or monitor who is responsible for the club; and
(h) any additional information considered important for the students and parents to know.

(3) All completed parental consent forms shall be filed by the parent or the club's sponsor, supervisor, or monitor with the school's principal, the chief administrative officer of a charter school, or their designee.

Section 136. Section **53G-7-711** is amended to read:

53G-7-711. Appeals -- Procedures.

(1) (a) A completed application or complaint shall be approved, denied, or investigated by the school within a reasonable amount of time.

(b) If an application or complaint is denied, written reasons for the denial or results of the investigation shall be stated and, if appropriate, suggested corrections shall be made to remedy the deficiency.

(c) A club that is denied school facilities use shall be informed at the time of the denial of the factual and legal basis for the denial, and, if appropriate, how the basis for the denial could be corrected.

(2) (a) If denied, suspended, or terminated, a club, student desirous of participating or speaking, or a complaining parent [~~or guardian~~], has 10 school days from the date of the denial, suspension, or termination to file a written appeal from the denial, suspension, or termination to a designee authorized by the [~~school~~] LEA governing board.

(b) The designee shall issue a determination within a reasonable amount of time from receipt of the appeal, which decision is final and constitutes satisfaction of all administrative

remedies unless the time for evaluation is extended by agreement of all parties.

(3) A person directly affected by a decision made in accordance with the provisions of this part may appeal the decision by writing to a person designated by the ~~[school]~~ LEA governing board.

Section 137. Section **53G-7-712** is amended to read:

53G-7-712. Rulemaking -- State board -- LEA governing boards.

The ~~[State Board of Education]~~ state board may adopt additional rules and ~~[school]~~ LEA governing boards may adopt additional ~~[rules or]~~ policies governing clubs that do not conflict with the provisions of this part.

Section 138. Section **53G-7-803** is amended to read:

53G-7-803. Uniforms in schools -- Policy approval.

(1) The school uniform policy authorized in Section 53G-7-802 may be adopted:

(a) for a charter school:

(i) by the ~~[governing body]~~ charter school governing board or administrator of the charter school in accordance with Subsection (2); or

(ii) by including the school uniform policy in the school's charter agreement approved in accordance with Chapter 5, Utah Charter Schools;

(b) for more than one school at the district level by a local school board in accordance with Subsection (2); or

(c) for a single school at the school level by the principal of the school in accordance with Subsection (2).

(2) A school uniform policy adopted by an election is subject to the following requirements:

(a) the adopting authority shall hold a public hearing on the matter prior to formal adoption of the school uniform policy;

(b) (i) the adopting authority shall hold an election for approval of a school uniform policy prior to its adoption and shall receive an affirmative vote from a majority of those voting at the election; and

(ii) only parents ~~[and guardians]~~ of students subject to the proposed school uniform policy may vote at the election, limited to one vote per family.

(3) (a) A local school board or principal is required to hold an election to consider

adoption of a school uniform policy for an entire school district or an individual school if initiative petitions are presented as follows:

(i) for a school district, a petition signed by a parent ~~[or guardian]~~ of 20% of the district's students presented to the local school board; and

(ii) for an individual school, a petition signed by a parent ~~[or guardian]~~ of 20% of the school's students presented to the principal.

(b) The public hearing and election procedures required in Subsection (2) apply to this Subsection (3).

(4) (a) The procedures set forth in Subsections (3) and (4) shall apply to the discontinuance or modification of a school uniform policy adopted under this section.

(b) A vote to discontinue an adopted school uniform policy may not take place during the first year of its operation.

(5) The adopting authority shall establish the manner and time of an election required under this section.

Section 139. Section **53G-7-901** is amended to read:

53G-7-901. Definitions.

As used in this part:

(1) "Cooperating employer" means a public or private entity which, as part of a work experience and career exploration program offered through a school, provides interns with training and work experience in activities related to the entity's ongoing business activities.

(2) "Intern" means a student enrolled in a school-sponsored work experience and career exploration program under Section 53G-7-902 involving both classroom instruction and work experience with a cooperating employer, for which the student receives no compensation.

(3) "Internship" means the work experience segment of an intern's school-sponsored work experience and career exploration program, performed under the direct supervision of a cooperating employer.

(4) "Private school" means a school serving any of grades 7 through 12 which is not part of the public education system.

(5) "Public school" means:

(a) a public school district;

(b) an applied technology center or applied technology service region;

(c) the Schools for the Deaf and the Blind; or

(d) other components of the public education system authorized by the ~~[State Board of Education]~~ state board to offer internships.

Section 140. Section **53G-7-902** is amended to read:

53G-7-902. Public or private school internships.

A public or private school may offer internships in connection with work experience and career exploration programs operated in accordance with the rules of the ~~[State Board of Education]~~ state board.

Section 141. Section **53G-7-1004** is amended to read:

53G-7-1004. Rulemaking -- Reporting.

The ~~[State Board of Education]~~ state board may make rules ~~[in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,]~~ regarding compliance standards and reporting requirements for local school boards with respect to the policy required by Section 53G-7-1002.

Section 142. Section **53G-7-1101** is amended to read:

53G-7-1101. Definitions.

As used in this part:

(1) "Alignment" or "realignment" means the initial or subsequent act, respectively, of assigning a public school a classification or region.

(2) "Appeals panel" means the appeals panel created in Section 53G-7-1106.

(3) (a) "Association" means an organization that governs or regulates a student's participation in an athletic interscholastic activity.

(b) "Association" does not include an institution of higher education described in Section 53B-1-102.

(4) "Classification" means the designation of a school based on the size of the school's student enrollment population for purposes of interscholastic activities.

(5) "Eligibility" means eligibility to participate in an interscholastic activity regulated or governed by an association.

(6) "Governing body" means a body within an association that:

(a) is responsible for:

(i) adopting ~~[rules or]~~ standards or policies that govern interscholastic activities or the

5143 administration of the association;

5144 (ii) adopting or amending the association's governing document or bylaws;

5145 (iii) enforcing the ~~rules and~~ standards and policies of the association; and

5146 (iv) adopting the association's budget; and

5147 (b) has oversight of other boards, committees, councils, or bodies within the

5148 association.

5149 (7) "Interscholastic activity" means an activity within the state in which:

5150 (a) a student that participates represents the student's school in the activity; and

5151 (b) the participating student is enrolled in grade 9, 10, 11, or 12.

5152 (8) "Public hearing" means a hearing at which members of the public are provided a

5153 reasonable opportunity to comment on the subject of the hearing.

5154 (9) "Region" means a grouping of schools of the same classification for purposes of

5155 interscholastic activities.

5156 Section 143. Section **53G-7-1103** is amended to read:

5157 **53G-7-1103. Governing body membership.**

5158 (1) (a) A governing body shall have 15 members as follows:

5159 (i) six members who:

5160 (A) are each an elected member of a local school board; and

5161 (B) each represent a different classification;

5162 (ii) (A) one school superintendent representing the two largest classifications;

5163 (B) one school superintendent representing the two classifications that are next in

5164 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(A);

5165 and

5166 (C) one school superintendent representing the two classifications that are next in

5167 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(ii)(B);

5168 (iii) (A) one school principal representing the two largest classifications;

5169 (B) one school principal representing the two classifications that are next in

5170 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(A);

5171 and

5172 (C) one school principal representing the two classifications that are next in

5173 diminishing size to the smaller of the two classifications described in Subsection (1)(a)(iii)(B);

(iv) one representative of charter schools;

(v) one representative of private schools, if private schools are members of or regulated by the association; and

(vi) one member representing the ~~[State Board of Education]~~ state board.

(b) Only a member respectively described in Subsection (1)(a)(iv) or (v) may be elected or appointed by or represent charter or private schools on the governing body.

(2) (a) A member described in Subsection (1)(a)(i), (ii), (iii), or (v) may be elected, appointed, or otherwise selected in accordance with association rule or policy to the extent the selection reflects the membership requirements in Subsection (1)(a)(i), (ii), (iii), or (v).

(b) A governing body member described in Subsection (1)(a)(vi) shall be the chair of the ~~[State Board of Education]~~ state board or the chair's designee if the designee is an elected member of the ~~[State Board of Education]~~ state board.

Section 144. Section **53G-7-1104** is amended to read:

53G-7-1104. Reporting requirements.

An association shall provide a verbal report, accompanied by a written report, annually to the ~~[State Board of Education]~~ state board, including:

- (1) the association's annual budget in accordance with Section 53G-7-1105;
- (2) a schedule of events scheduled or facilitated by the association;
- (3) procedures for alignment or realignment;
- (4) any amendments or changes to the association's governing document or bylaws; and
- (5) any other information requested by the ~~[State Board of Education]~~ state board.

Section 145. Section **53G-7-1105** is amended to read:

53G-7-1105. Association budgets.

(1) An association shall:

- (a) adopt a budget in accordance with this section; and
- (b) use uniform budgeting, accounting, and auditing procedures and forms, which shall be in accordance with generally accepted accounting principles or auditing standards.

(2) An association budget officer or executive director shall annually prepare a tentative budget, with supporting documentation, to be submitted to the governing body.

(3) The tentative budget and supporting documents shall include the following items:

- (a) the revenues and expenditures of the preceding fiscal year;

5205 (b) the estimated revenues and expenditures of the current fiscal year;
5206 (c) a detailed estimate of the essential expenditures for all purposes for the next
5207 succeeding fiscal year; and
5208 (d) the estimated financial condition of the association by funds at the close of the
5209 current fiscal year.

5210 (4) The tentative budget shall be filed with the governing body 15 days, or earlier,
5211 before the date of the tentative budget's proposed adoption by the governing body.

5212 (5) The governing body shall adopt a budget.

5213 (6) Before the adoption or amendment of a budget, the governing body shall hold a
5214 public hearing on the proposed budget or budget amendment.

5215 (7) (a) In addition to complying with Title 52, Chapter 4, Open and Public Meetings
5216 Act, in regards to the public hearing described in Subsection (6), at least 10 days before the
5217 public hearing, a governing body shall:

5218 (i) publish a notice of the public hearing electronically in accordance with Section
5219 63F-1-701; and

5220 (ii) post the proposed budget on the association's Internet website.

5221 (b) A notice of a public hearing on an association's proposed budget shall include
5222 information on how the public may access the proposed budget as provided in Subsection
5223 (7)(a).

5224 (8) No later than September 30 of each year, the governing body shall file a copy of the
5225 adopted budget with the state auditor and the ~~[State Board of Education]~~ state board.

5226 Section 146. Section **53G-7-1106** is amended to read:

5227 **53G-7-1106. Procedures for disputes -- Appeals -- Appeals panel --**
5228 **Compensation.**

5229 (1) (a) An association shall establish a uniform procedure for hearing and deciding:
5230 (i) disputes;
5231 (ii) allegations of violations of the association's rules or policies;
5232 (iii) requests to establish eligibility after a student transfers schools; and
5233 (iv) disputes related to alignment or realignment.

5234 (b) An individual may appeal to an appeals panel established in this section an
5235 association decision regarding a request to establish eligibility after a student transfers schools.

5236 (2) (a) There is established an appeals panel for an association decision described in
5237 Subsection (1)(b).

5238 (b) The appeals panel shall consist of the following three members:

5239 (i) a judge or attorney who is not employed by, or contracts with, a school;

5240 (ii) a retired educator, principal, or superintendent; and

5241 (iii) a retired athletic director or coach.

5242 (c) A review and decision by the appeals panel is limited to whether the association
5243 properly followed the association's rules and procedures in regard to a decision described in
5244 Subsection (1)(b).

5245 (d) (i) An association shall adopt policies for filing an appeal with the appeals panel.

5246 (ii) The appeals panel shall review an appeal and issue a written decision explaining
5247 the appeals panel's decision no later than 10 business days after an appeal is filed.

5248 (e) The appeals panel's decision is final.

5249 (3) (a) The [~~State Board of Education~~] state board shall appoint the members of the
5250 appeals panel described in Subsection (2):

5251 (i) from the association's nominations described in Subsection (3)(b); and

5252 (ii) in accordance with the [~~State Board of Education's~~] state board's appointment
5253 process.

5254 (b) (i) The association shall nominate up to three individuals for each position
5255 described in Subsection (2) for the [~~State Board of Education's~~] state board's consideration.

5256 (ii) If the [~~State Board of Education~~] state board refuses to appoint members to the
5257 panel who were nominated by the association as described in Subsection (3)(b)(i), the [~~State~~
5258 ~~Board of Education~~] state board shall request additional nominations from the association.

5259 (iii) No later than 45 days after the association provides the nominations, the [~~State~~
5260 ~~Board of Education~~] state board shall appoint to the appeals panel an individual from the
5261 names provided by the association.

5262 (c) For the initial membership, the [~~State Board of Education~~] state board shall appoint
5263 two of the positions having an initial term of three years and one position having an initial term
5264 of two years.

5265 (d) Except as required by Subsection (3)(e), as terms of appeals panel members expire,
5266 the [~~State Board of Education~~] state board shall appoint each new member or reappointed

5267 member to a two-year term.

5268 (e) When a vacancy occurs in the membership for any reason, the replacement shall be
5269 appointed for the unexpired term.

5270 (4) The ~~[State Board of Education]~~ state board shall reimburse an association for per
5271 diem and travel expenses of members of the appeals panel.

5272 Section 147. Section **53G-7-1202** is amended to read:

5273 **53G-7-1202. School community councils -- Duties -- Composition -- Election**
5274 **procedures and selection of members.**

5275 (1) As used in this section:

5276 (a) "Digital citizenship" means the norms of appropriate, responsible, and healthy
5277 behavior related to technology use, including digital literacy, ethics, etiquette, and security.

5278 ~~[(b)]~~ ~~"District school" means a public school under the control of a local school board~~
5279 ~~elected under Title 20A, Chapter 14, Nomination and Election of State and Local School~~
5280 ~~Boards.]~~

5281 ~~[(c)]~~ ~~(b)~~ "Educator" means the same as that term is defined in Section 53E-6-102.

5282 ~~[(d)]~~ ~~(c)~~ (i) "Parent ~~[or guardian]~~ member" means a member of a school community
5283 council who is a parent ~~[or guardian]~~ of a student who:

5284 (A) is attending the school; or

5285 (B) will be enrolled at the school during the parent's ~~[or guardian's]~~ term of office.

5286 (ii) "Parent ~~[or guardian]~~ member" may not include an educator who is employed at the
5287 school.

5288 ~~[(e)]~~ ~~(d)~~ "School community council" means a council established at a district school in
5289 accordance with this section.

5290 ~~[(f)]~~ ~~(e)~~ "School employee member" means a member of a school community council
5291 who is a person employed at the school by the school or school district, including the principal.

5292 ~~[(g)]~~ ~~(f)~~ "School LAND Trust Program money" means money allocated to a school
5293 pursuant to Section 53F-2-404.

5294 (2) A district school, in consultation with the district school's local school board, shall
5295 establish a school community council at the school building level for the purpose of:

5296 (a) involving parents ~~[or guardians]~~ of students in decision making at the school level;

5297 (b) improving the education of students;

5298 (c) prudently expending School LAND Trust Program money for the improvement of
5299 students' education through collaboration among parents [~~and guardians~~], school employees,
5300 and the local school board; and

5301 (d) increasing public awareness of:

5302 (i) school trust lands and related land policies;

5303 (ii) management of the State School Fund established in Utah Constitution Article X,
5304 Section V; and

5305 (iii) educational excellence.

5306 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:

5307 (i) create a school improvement plan in accordance with Section 53G-7-1204;

5308 (ii) create the School LAND Trust Program in accordance with Section 53G-7-1206;

5309 (iii) advise and make recommendations to school and school district administrators and
5310 the local school board regarding:

5311 (A) the school and its programs;

5312 (B) school district programs;

5313 (C) a child access routing plan in accordance with Section 53G-4-402;

5314 (D) safe technology utilization and digital citizenship; and

5315 (E) other issues relating to the community environment for students;

5316 (iv) provide for education and awareness on safe technology utilization and digital
5317 citizenship that empowers:

5318 (A) a student to make smart media and online choices; and

5319 (B) a parent [~~or guardian~~] to know how to discuss safe technology use with the parent's
5320 [~~or guardian's~~] child; and

5321 (v) partner with the school's principal and other administrators to ensure that adequate
5322 on and off campus Internet filtering is installed and consistently configured to prevent viewing
5323 of harmful content by students and school personnel, in accordance with local school board
5324 policy and Subsection 53G-7-216(3).

5325 (b) To fulfill the school community council's duties described in Subsections (3)(a)(iv)
5326 and (v), a school community council may:

5327 (i) partner with one or more non-profit organizations; or

5328 (ii) create a subcommittee.

(c) A school or school district administrator may not prohibit or discourage a school community council from discussing issues, or offering advice or recommendations, regarding the school and its programs, school district programs, the curriculum, or the community environment for students.

(4) (a) Each school community council shall consist of school employee members and parent ~~[or guardian]~~ members in accordance with this section.

(b) Except as provided in Subsection (4)(c) or (d):

(i) each school community council for a high school shall have six parent ~~[or guardian]~~ members and four school employee members, including the principal; and

(ii) each school community council for a school other than a high school shall have four parent ~~[or guardian]~~ members and two school employee members, including the principal.

(c) A school community council may determine the size of the school community council by a majority vote of a quorum of the school community council provided that:

(i) the membership includes two or more parent ~~[or guardian]~~ members than the number of school employee members; and

(ii) there are at least two school employee members on the school community council.

(d) (i) The number of parent ~~[or guardian]~~ members of a school community council who are not educators employed by the school district shall exceed the number of parent ~~[or guardian]~~ members who are educators employed by the school district.

(ii) If, after an election, the number of parent ~~[or guardian]~~ members who are not educators employed by the school district does not exceed the number of parent ~~[or guardian]~~ members who are educators employed by the school district, the parent ~~[or guardian]~~ members of the school community council shall appoint one or more parent ~~[or guardian]~~ members to the school community council so that the number of parent ~~[or guardian]~~ members who are not educators employed by the school district exceeds the number of parent ~~[or guardian]~~ members who are educators employed by the school district.

(5) (a) Except as provided in Subsection (5)(f), a school employee member, other than the principal, shall be elected by secret ballot by a majority vote of the school employees and serve a two-year term. The principal shall serve as an ex officio member with full voting privileges.

(b) (i) Except as provided in Subsection (5)(f), a parent ~~[or guardian]~~ member shall be

5360 elected by secret ballot at an election held at the school by a majority vote of those voting at the
5361 election and serve a two-year term.

5362 (ii) (A) Except as provided in Subsection (5)(b)(ii)(B), only a parent [~~or guardian~~] of a
5363 student attending the school may vote in, or run as a candidate in, the election under Subsection
5364 (5)(b)(i).

5365 (B) If an election is held in the spring, a parent [~~or guardian~~] of a student who will be
5366 attending the school the following school year may vote in, and run as a candidate in, the
5367 election under Subsection (5)(b)(i).

5368 (iii) Any parent [~~or guardian~~] of a student who meets the qualifications of this section
5369 may file or declare the parent's [~~or guardian's~~] candidacy for election to a school community
5370 council.

5371 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the
5372 election of parent [~~or guardian~~] members of a school community council shall be established by
5373 a local school board for the schools within the school district.

5374 (B) An election for the parent [~~or guardian~~] members of a school community council
5375 shall be held near the beginning of the school year or held in the spring and completed before
5376 the last week of school.

5377 (C) Each school shall establish a time period for the election of parent [~~or guardian~~]
5378 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at
5379 least a four-year period.

5380 (c) (i) At least 10 days before the date that voting commences for the elections held
5381 under Subsections (5)(a) and (5)(b), the principal of the school, or the principal's designee,
5382 shall provide notice to each school employee[;] or parent[~~or guardian~~], of the opportunity to
5383 vote in, and run as a candidate in, an election under this Subsection (5).

5384 (ii) The notice shall include:

5385 (A) the dates and times of the elections;

5386 (B) a list of council positions that are up for election; and

5387 (C) instructions for becoming a candidate for a community council position.

5388 (iii) The principal of the school, or the principal's designee, shall oversee the elections
5389 held under Subsections (5)(a) and (5)(b).

5390 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a

5391 secure ballot box.

5392 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made
5393 available to the public upon request.

5394 (e) (i) If a parent [~~or guardian~~] position on a school community council remains
5395 unfilled after an election is held, the other parent [~~or guardian~~] members of the council shall
5396 appoint a parent [~~or guardian~~] who meets the qualifications of this section to fill the position.

5397 (ii) If a school employee position on a school community council remains unfilled after
5398 an election is held, the other school employee members of the council shall appoint a school
5399 employee to fill the position.

5400 (iii) A member appointed to a school community council under Subsection (5)(e)(i) or
5401 (ii) shall serve a two-year term.

5402 (f) (i) If the number of candidates who file for a parent [~~or guardian~~] position or school
5403 employee position on a school community council is less than or equal to the number of open
5404 positions, an election is not required.

5405 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent [~~or guardian~~]
5406 position remains unfilled, the other parent [~~or guardian~~] members of the council shall appoint a
5407 parent [~~or guardian~~] who meets the qualifications of this section to fill the position.

5408 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee
5409 position remains unfilled, the other school employee members of the council shall appoint a
5410 school employee who meets the qualifications of this section to fill the position.

5411 (g) The principal shall enter the names of the council members on the School LAND
5412 Trust website on or before October 20 of each year, pursuant to Section 53G-7-1203.

5413 (h) Terms shall be staggered so that approximately half of the council members stand
5414 for election each year.

5415 (i) A school community council member may serve successive terms provided the
5416 member continues to meet the definition of a parent [~~or guardian~~] member or school employee
5417 member as specified in Subsection (1).

5418 (j) Each school community council shall elect:

5419 (i) a chair from its parent [~~or guardian~~] members; and

5420 (ii) a vice chair from either its parent [~~or guardian~~] members or school employee
5421 members, excluding the principal.

5422 (6) (a) A school community council may create subcommittees or task forces to:

5423 (i) advise or make recommendations to the council; or

5424 (ii) develop all or part of a plan listed in Subsection (3).

5425 (b) Any plan or part of a plan developed by a subcommittee or task force shall be

5426 subject to the approval of the school community council.

5427 (c) A school community council may appoint individuals who are not council members

5428 to serve on a subcommittee or task force, including parents [~~or guardians~~], school employees,

5429 or other community members.

5430 (7) (a) A majority of the members of a school community council is a quorum for the

5431 transaction of business.

5432 (b) The action of a majority of the members of a quorum is the action of the school

5433 community council.

5434 (8) A local school board shall provide training for a school community council each

5435 year, including training:

5436 (a) for the chair and vice chair about their responsibilities;

5437 (b) on resources available on the School LAND Trust website; and

5438 (c) on this part.

5439 Section 148. Section **53G-7-1203** is amended to read:

5440 **53G-7-1203. School community councils -- Open and public meeting**

5441 **requirements.**

5442 (1) As used in this section:

5443 (a) (i) "Charter trust land council" means a council established by a charter school

5444 governing board under Section 53G-7-1205.

5445 (ii) "Charter trust land council" does not include a charter school governing board

5446 acting as a charter trust land council.

5447 [~~(b) "School community council" means a council established at a school within a~~

5448 ~~school district under Section 53G-7-1202.~~]

5449 [~~(c)~~] (b) "Council" means a school community council or a charter trust land council.

5450 (c) "School community council" means a council established at a school within a

5451 school district under Section 53G-7-1202.

5452 (2) A school community council or a charter trust land council:

- 5453 (a) shall conduct deliberations and take action openly as provided in this section; and
5454 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.
- 5455 (3) (a) As required by Section 53G-7-1202, a local school board shall provide training
5456 for the members of a school community council on this section.
- 5457 (b) A charter school governing board shall provide training for the members of a
5458 charter trust land council on this section.
- 5459 (4) (a) A meeting of a council is open to the public.
- 5460 (b) A council may not close any portion of a meeting.
- 5461 (5) A council shall, at least one week prior to a meeting, post the following information
5462 on the school's website:
- 5463 (a) a notice of the meeting, time, and place;
5464 (b) an agenda for the meeting; and
5465 (c) the minutes of the previous meeting.
- 5466 (6) (a) On or before October 20, a principal shall post the following information on the
5467 school website and in the school office:
- 5468 (i) the proposed council meeting schedule for the year;
5469 (ii) a telephone number or email address, or both, where each council member can be
5470 reached directly; and
5471 (iii) a summary of the annual report required under Section 53G-7-1206 on how the
5472 school's School LAND Trust Program money was used to enhance or improve academic
5473 excellence at the school and implement a component of the school's improvement plan.
- 5474 (b) (i) A council shall identify and use methods of providing the information listed in
5475 Subsection (6)(a) to a parent [~~or guardian~~] who does not have Internet access.
- 5476 (ii) Money allocated to a school under the School LAND Trust Program under Section
5477 53F-2-404 may not be used to provide information as required by Subsection (6)(b)(i).
- 5478 (7) (a) The notice requirement of Subsection (5) may be disregarded if:
- 5479 (i) because of unforeseen circumstances it is necessary for a council to hold an
5480 emergency meeting to consider matters of an emergency or urgent nature; and
5481 (ii) the council gives the best notice practicable of:
- 5482 (A) the time and place of the emergency meeting; and
5483 (B) the topics to be considered at the emergency meeting.

5484 (b) An emergency meeting of a council may not be held unless:
5485 (i) an attempt has been made to notify all the members of the council; and
5486 (ii) a majority of the members of the council approve the meeting.

5487 (8) (a) An agenda required under Subsection (5)(b) shall provide reasonable specificity
5488 to notify the public as to the topics to be considered at the meeting.

5489 (b) Each topic described in Subsection (8)(a) shall be listed under an agenda item on
5490 the meeting agenda.

5491 (c) A council may not take final action on a topic in a meeting unless the topic is:
5492 (i) listed under an agenda item as required by Subsection (8)(b); and
5493 (ii) included with the advance public notice required by Subsection (5).

5494 (9) (a) Written minutes shall be kept of a council meeting.

5495 (b) Written minutes of a council meeting shall include:
5496 (i) the date, time, and place of the meeting;
5497 (ii) the names of members present and absent;
5498 (iii) a brief statement of the matters proposed, discussed, or decided;
5499 (iv) a record, by individual member, of each vote taken;
5500 (v) the name of each person who:
5501 (A) is not a member of the council; and
5502 (B) after being recognized by the chair, provided testimony or comments to the
5503 council;

5504 (vi) the substance, in brief, of the testimony or comments provided by the public under
5505 Subsection (9)(b)(v); and

5506 (vii) any other information that is a record of the proceedings of the meeting that any
5507 member requests be entered in the minutes.

5508 (c) The written minutes of a council meeting:
5509 (i) are a public record under Title 63G, Chapter 2, Government Records Access and
5510 Management Act; and
5511 (ii) shall be retained for three years.

5512 (10) (a) As used in this Subsection (10), "rules of order and procedure" means a set of
5513 ~~rules~~ policies that govern and prescribe in a public meeting:

5514 (i) parliamentary order and procedure;

- 5515 (ii) ethical behavior; and
5516 (iii) civil discourse.
5517 (b) A council shall:
5518 (i) adopt rules of order and procedure to govern a public meeting of the council;
5519 (ii) conduct a public meeting in accordance with the rules of order and procedure
5520 described in Subsection (10)(b)(i); and
5521 (iii) make the rules of order and procedure described in Subsection (10)(b)(i) available
5522 to the public:
5523 (A) at each public meeting of the council; and
5524 (B) on the school's website.

5525 Section 149. Section **53G-7-1205** is amended to read:

5526 **53G-7-1205. Charter trust land councils.**

5527 (1) To receive School LAND Trust Program funding as described in Sections
5528 53F-2-404 and 53G-7-1206, a charter school governing board shall establish a charter trust
5529 land council, which shall prepare a plan for the use of School LAND Trust Program money that
5530 includes the elements described in Subsection 53G-7-1206(4).

5531 (2) (a) The membership of the council shall include parents [~~or guardians~~] of students
5532 enrolled at the school and may include other members.

5533 (b) The number of council members who are parents [~~or guardians~~] of students
5534 enrolled at the school shall exceed all other members combined by at least two.

5535 (3) A charter school governing board may serve as the charter trust land council that
5536 prepares a plan for the use of School LAND Trust Program money if the membership of the
5537 charter school governing board meets the requirements of Subsection (2)(b).

5538 (4) (a) Except as provided in Subsection (4)(b), council members who are parents [~~or~~
5539 ~~guardians~~] of students enrolled at the school shall be elected in accordance with procedures
5540 established by the charter school governing board.

5541 (b) Subsection (4)(a) does not apply to a charter school governing board that serves as
5542 the charter trust land council that prepares a plan for the use of School LAND Trust Program
5543 money.

5544 (5) A parent [~~or guardian~~] of a student enrolled at the school shall serve as chair or
5545 co-chair of a charter trust land council that prepares a plan for the use of School LAND Trust

5546 Program money.

5547 Section 150. Section **53G-7-1206** is amended to read:

5548 **53G-7-1206. School LAND Trust Program.**

5549 (1) As used in this section:

5550 ~~[(a) "Charter agreement" means an agreement made in accordance with Section~~
5551 ~~53G-5-303 that authorizes the operation of a charter school.]~~

5552 ~~[(b)]~~ (a) "Charter school authorizer" means the same as that term is defined in Section
5553 53G-5-102.

5554 ~~[(c)]~~ (b) "Charter trust land council" means a council established by a charter school
5555 governing board under Section 53G-7-1205.

5556 ~~[(d)]~~ (c) "Council" means a school community council or a charter trust land council.

5557 ~~[(e) "District school" means a public school under the control of a local school board~~
5558 ~~elected under Title 20A, Chapter 14, Nomination and Election of State and Local School~~
5559 ~~Boards.]~~

5560 ~~[(f)]~~ (d) "School community council" means a council established at a district school in
5561 accordance with Section 53G-7-1202.

5562 (2) There is established the School LAND (Learning And Nurturing Development)
5563 Trust Program under the ~~[State Board of Education]~~ state board to:

5564 (a) provide financial resources to public schools to enhance or improve student
5565 academic achievement and implement a component of a district school's school improvement
5566 plan or a charter school's charter agreement; and

5567 (b) involve parents ~~[and guardians]~~ of a school's students in decision making regarding
5568 the expenditure of School LAND Trust Program money allocated to the school.

5569 (3) To receive an allocation under Section 53F-2-404:

5570 (a) a district school shall have established a school community council in accordance
5571 with Section 53G-7-1202;

5572 (b) a charter school shall have established a charter trust land council in accordance
5573 with Section 53G-7-1205; and

5574 (c) the school's principal shall provide a signed, written assurance that the school is in
5575 compliance with Subsection (3)(a) or (b).

5576 (4) (a) A council shall create a program to use the school's allocation distributed under

5577 Section 53F-2-404 to implement a component of the school's improvement plan or charter
5578 agreement, including:

5579 (i) the school's identified most critical academic needs;
5580 (ii) a recommended course of action to meet the identified academic needs;
5581 (iii) a specific listing of any programs, practices, materials, or equipment that the
5582 school will need to implement a component of its school improvement plan to have a direct
5583 impact on the instruction of students and result in measurable increased student performance;

5584 and

5585 (iv) how the school intends to spend its allocation of funds under this section to
5586 enhance or improve academic excellence at the school.

5587 (b) (i) A council shall create and vote to adopt a plan for the use of School LAND
5588 Trust Program money in a meeting of the council at which a quorum is present.

5589 (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust
5590 Program money, the plan is adopted.

5591 (c) A council shall:

5592 (i) post a plan for the use of School LAND Trust Program money that is adopted in
5593 accordance with Subsection (4)(b) on the School LAND Trust Program website; and

5594 (ii) include with the plan a report noting the number of council members who voted for
5595 or against the approval of the plan and the number of council members who were absent for the
5596 vote.

5597 (d) (i) The local school board of a district school shall approve or disapprove a plan for
5598 the use of School LAND Trust Program money.

5599 (ii) If a local school board disapproves a plan for the use of School LAND Trust
5600 Program money:

5601 (A) the local school board shall provide a written explanation of why the plan was
5602 disapproved and request the school community council who submitted the plan to revise the
5603 plan; and

5604 (B) the school community council shall submit a revised plan in response to a local
5605 school board's request under Subsection (4)(d)(ii)(A).

5606 (iii) Once a plan has been approved by a local school board, a school community
5607 council may amend the plan, subject to a majority vote of the school community council and

5608 local school board approval.

5609 (e) A charter trust land council's plan for the use of School LAND Trust Program

5610 money is subject to approval by the:

5611 (i) charter school governing board; and

5612 (ii) charter school's charter school authorizer.

5613 (5) (a) A district school or charter school shall:

5614 (i) implement the program as approved;

5615 (ii) provide ongoing support for the council's program; and

5616 (iii) meet [~~State Board of Education~~] state board reporting requirements regarding
5617 financial and performance accountability of the program.

5618 (b) (i) A district school or charter school shall prepare and post an annual report of the
5619 program on the School LAND Trust Program website each fall.

5620 (ii) The report shall detail the use of program funds received by the school under this
5621 section and an assessment of the results obtained from the use of the funds.

5622 (iii) A summary of the report shall be provided to parents [~~or guardians~~] of students
5623 attending the school.

5624 (6) On or before October 1 of each year, a school district shall record the amount of the
5625 program funds distributed to each school under Section 53F-2-404 on the School LAND Trust
5626 Program website to assist schools in developing the annual report described in Subsection
5627 (5)(b).

5628 (7) The president or chair of a local school board or charter school governing board
5629 shall ensure that the members of the local school board or charter school governing board are
5630 provided with annual training on the requirements of this section.

5631 (8) (a) The School LAND Trust Program shall provide training to the entities described
5632 in Subsection (8)(b) on:

5633 (i) the School LAND Trust Program; and

5634 (ii) (A) a school community council; or

5635 (B) a charter trust land council.

5636 (b) The School LAND Trust Program shall provide the training to:

5637 (i) a local school board or a charter school governing board;

5638 (ii) a school district or a charter school; and

(iii) a school community council.

(9) The School LAND Trust Program shall annually review each school's compliance with applicable law, including rules adopted by the ~~[State Board of Education]~~ state board, by:

(a) reading each School LAND Trust Program plan submitted; and

(b) reviewing expenditures made from School LAND Trust Program money.

(10) The state board shall designate a staff member who administers the School LAND Trust Program:

(a) to serve as a member of the Land Trusts Protection and Advocacy Committee created under Section 53D-2-202; and

(b) who may coordinate with the Land Trusts Protection and Advocacy Office director, appointed under Section 53D-2-203, to attend meetings or events within the School and Institutional Trust System, as defined in Section 53D-2-102, that relate to the School LAND Trust Program.

Section 151. Section **53G-8-202** is amended to read:

53G-8-202. Public school discipline policies -- Basis of the policies -- Enforcement.

(1) The Legislature recognizes that every student in the public schools should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption.

(2) (a) To foster such an environment, each local school board or charter school governing board ~~[of a charter school]~~, with input from school employees, parents ~~[and guardians]~~ of students, students, and the community at large, shall adopt conduct and discipline policies for the public schools in accordance with Section 53G-8-211.

(b) A district or charter school shall base its policies on the principle that every student is expected:

(i) to follow accepted ~~[rules]~~ standards of conduct; and

(ii) to show respect for other people and to obey persons in authority at the school.

(c) (i) On or before September 1, 2015, the ~~[State Board of Education]~~ state board shall revise the conduct and discipline policy models for elementary and secondary public schools to include procedures for responding to reports received through the School Safety and Crisis Line under Subsection 53E-10-502(3).

(ii) Each district or charter school shall use the models, where appropriate, in developing its conduct and discipline policies under this chapter.

(d) The policies shall emphasize that certain behavior, most particularly behavior which disrupts, is unacceptable and may result in disciplinary action.

(3) The local superintendent and designated employees of the district or charter school shall enforce the policies so that students demonstrating unacceptable behavior and their parents [~~or guardians~~] understand that such behavior will not be tolerated and will be dealt with in accordance with the district's conduct and discipline policies.

Section 152. Section **53G-8-203** is amended to read:

53G-8-203. Conduct and discipline policies and procedures.

(1) The conduct and discipline policies required under Section 53G-8-202 shall include:

(a) provisions governing student conduct, safety, and welfare;

(b) standards and procedures for dealing with students who cause disruption in the classroom, on school grounds, on school vehicles, or in connection with school-related activities or events;

(c) procedures for the development of remedial discipline plans for students who cause a disruption at any of the places referred to in Subsection (1)(b);

(d) procedures for the use of reasonable and necessary physical restraint in dealing with students posing a danger to themselves or others, consistent with Section 53G-8-302;

(e) standards and procedures for dealing with student conduct in locations other than those referred to in Subsection (1)(b), if the conduct threatens harm or does harm to:

(i) the school;

(ii) school property;

(iii) a person associated with the school; or

(iv) property associated with a person described in Subsection (1)(e)(iii);

(f) procedures for the imposition of disciplinary sanctions, including suspension and expulsion;

(g) specific provisions, consistent with Section 53E-3-509, for preventing and responding to gang-related activities in the school, on school grounds, on school vehicles, or in connection with school-related activities or events;

(h) standards and procedures for dealing with habitual disruptive or unsafe student behavior in accordance with the provisions of this part; and

(i) procedures for responding to reports received through the School Safety and Crisis Line under Subsection 53E-10-502(3).

(2) (a) Each local school board shall establish a policy on detaining students after regular school hours as a part of the district-wide discipline plan required under Section 53G-8-202.

(b) (i) The policy described in Subsection (2)(a) shall apply to elementary school students, grades kindergarten through ~~six~~ 6.

(ii) The local school board shall receive input from teachers, school administrators, and parents ~~[and guardians]~~ of the affected students before adopting the policy.

(c) The policy described in Subsection (2)(a) shall provide for:

(i) notice to the parent ~~[or guardian]~~ of a student prior to holding the student after school on a particular day; and

(ii) exceptions to the notice provision if detention is necessary for the student's health or safety.

Section 153. Section **53G-8-204** is amended to read:

53G-8-204. Suspension and expulsion procedures -- Notice to parents --

Distribution of policies.

(1) (a) Policies required under this part shall include written procedures for the suspension and expulsion of, or denial of admission to, a student, consistent with due process and other provisions of law.

(b) (i) The policies required in Subsection (1)(a) shall include a procedure directing public schools to notify the custodial parent and, if requested in writing by a noncustodial parent, the noncustodial parent of the suspension and expulsion of, or denial of admission to, a student.

(ii) Subsection (1)(b)(i) does not apply to that portion of school records which would disclose any information protected under a court order.

(iii) The custodial parent is responsible for providing to the school a certified copy of the court order under Subsection (1)(b)(ii) through a procedure adopted by the local school board or the charter school governing board ~~[of a charter school]~~.

(2) (a) Each local school board or charter school governing board ~~[of a charter school]~~ shall provide for the distribution of a copy of a school's discipline and conduct policy to each student upon enrollment in the school.

(b) A copy of the policy shall be posted in a prominent location in each school.

(c) Any significant change in a school's conduct and discipline policy shall be distributed to students in the school and posted in the school in a prominent location.

Section 154. Section **53G-8-205** is amended to read:

53G-8-205. Grounds for suspension or expulsion from a public school.

(1) A student may be suspended or expelled from a public school for any of the following reasons:

(a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive behavior, including the use of foul, profane, vulgar, or abusive language;

(b) willful destruction or defacing of school property;

(c) behavior or threatened behavior which poses an immediate and significant threat to the welfare, safety, or morals of other students or school personnel or to the operation of the school;

(d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;

(e) behavior proscribed under Subsection (2) which threatens harm or does harm to the school or school property, to a person associated with the school, or property associated with that person, regardless of where it occurs; or

(f) possession or use of pornographic material on school property.

(2) (a) A student shall be suspended or expelled from a public school for any of the following reasons:

(i) any serious violation affecting another student or a staff member, or any serious violation occurring in a school building, in or on school property, or in conjunction with any school activity, including:

(A) the possession, control, or actual or threatened use of a real weapon, explosive, or noxious or flammable material;

(B) the actual or threatened use of a look alike weapon with intent to intimidate another person or to disrupt normal school activities; or

(C) the sale, control, or distribution of a drug or controlled substance as defined in Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2, or drug paraphernalia as defined in Section 58-37a-3; or

(ii) the commission of an act involving the use of force or the threatened use of force which if committed by an adult would be a felony or class A misdemeanor.

(b) A student who commits a violation of Subsection (2)(a) involving a real or look alike weapon, explosive, or flammable material shall be expelled from school for a period of not less than one year subject to the following:

(i) within 45 days after the expulsion the student shall appear before the student's local school board superintendent, the superintendent's designee, chief administrative officer of a charter school, or the chief administrative officer's designee, accompanied by a parent ~~[or legal guardian]~~; and

(ii) the superintendent, chief administrator, or designee shall determine:

(A) what conditions must be met by the student and the student's parent for the student to return to school;

(B) if the student should be placed on probation in a regular or alternative school setting consistent with Section 53G-8-208, and what conditions must be met by the student in order to ensure the safety of students and faculty at the school the student is placed in; and

(C) if it would be in the best interest of both the school district or charter school, and the student, to modify the expulsion term to less than a year, conditioned on approval by the local school board or charter school governing board ~~[of a charter school]~~ and giving highest priority to providing a safe school environment for all students.

(3) A student may be denied admission to a public school on the basis of having been expelled from that or any other school during the preceding 12 months.

(4) A suspension or expulsion under this section is not subject to the age limitations under Subsection 53G-6-204(1).

(5) Each local school board and charter school governing board ~~[of a charter school]~~ shall prepare an annual report for the ~~[State Board of Education]~~ state board on:

(a) each violation committed under this section; and

(b) each action taken by the school district against a student who committed the violation.

Section 155. Section **53G-8-206** is amended to read:

53G-8-206. Delegation of authority to suspend or expel a student -- Procedure for suspension -- Readmission.

(1) (a) A local school board [~~of education~~] may delegate to any school principal or assistant principal within the school district the power to suspend a student in the principal's school for up to 10 school days.

(b) A charter school governing board [~~of a charter school~~] may delegate to the chief administrative officer of the charter school the power to suspend a student in the charter school for up to 10 school days.

(2) The local school board or charter school governing board may suspend a student for up to one school year or delegate that power to the district superintendent, the superintendent's designee, or chief administrative officer of a charter school.

(3) The local school board may expel a student for a fixed or indefinite period, provided that the expulsion shall be reviewed by the district superintendent or the superintendent's designee and the conclusions reported to the local school board, at least once each year.

(4) If a student is suspended, a designated school official shall notify the parent [~~or guardian~~] of the student of the following without delay:

(a) that the student has been suspended;

(b) the grounds for the suspension;

(c) the period of time for which the student is suspended; and

(d) the time and place for the parent [~~or guardian~~] to meet with a designated school official to review the suspension.

(5) (a) A suspended student shall immediately leave the school building and the school grounds following a determination by the school of the best way to transfer custody of the student to the parent [~~or guardian~~] or other person authorized by the parent or applicable law to accept custody of the student.

(b) Except as otherwise provided in Subsection (5)(c), a suspended student may not be readmitted to a public school until:

(i) the student and the parent [~~or guardian~~] have met with a designated school official to review the suspension and agreed upon a plan to avoid recurrence of the problem; or

(ii) in the discretion of the principal or chief administrative officer of a charter school, the parent [~~or guardian~~] of the suspended student and the student have agreed to participate in such a meeting.

(c) A suspension may not extend beyond 10 school days unless the student and the student's parent [~~or guardian~~] have been given a reasonable opportunity to meet with a designated school official and respond to the allegations and proposed disciplinary action.

Section 156. Section **53G-8-207** is amended to read:

53G-8-207. Alternatives to suspension or expulsion.

(1) Each local school board or charter school governing board [~~of a charter school~~] shall establish:

(a) policies providing that prior to suspending or expelling a student for repeated acts of willful disobedience, defiance of authority, or disruptive behavior which are not of such a violent or extreme nature that immediate removal is required, good faith efforts shall be made to implement a remedial discipline plan that would allow the student to remain in school; and

(b) alternatives to suspension, including policies that allow a student to remain in school under an in-school suspension program or under a program allowing the parent [~~or guardian~~], with the consent of the student's teacher or teachers, to attend class with the student for a period of time specified by a designated school official.

(2) If the parent [~~or guardian~~] does not agree or fails to attend class with the student, the student shall be suspended in accordance with the conduct and discipline policies of the district or the school.

(3) The parent [~~or guardian~~] of a suspended student and the designated school official may enlist the cooperation of the Division of Child and Family Services, the juvenile court, or other appropriate state agencies, if necessary, in dealing with the student's suspension.

(4) The state superintendent [~~of public instruction~~], in cooperation with school districts and charter schools, shall:

(a) research methods of motivating and providing incentives to students that:

(i) directly and regularly reward or recognize appropriate behavior;

(ii) impose immediate and direct consequences on students who fail to comply with district or school standards of conduct; and

(iii) keep the students in school, or otherwise continue student learning with

5856 appropriate supervision or accountability;

5857 (b) explore funding resources to implement methods of motivating and providing
5858 incentives to students that meet the criteria specified in Subsection (4)(a);

5859 (c) evaluate the benefits and costs of methods of motivating and providing incentives
5860 to students that meet the criteria specified in Subsection (4)(a);

5861 (d) publish a report that incorporates the research findings, provides model plans with
5862 suggested resource pools, and makes recommendations for local school boards and school
5863 personnel;

5864 (e) submit the report described in Subsection (4)(d) to the Education Interim
5865 Committee; and

5866 (f) maintain data for purposes of accountability, later reporting, and future analysis.

5867 Section 157. Section **53G-8-208** is amended to read:

5868 **53G-8-208. Student suspended or expelled -- Responsibility of parent --**
5869 **Application for students with disabilities.**

5870 (1) If a student is suspended or expelled from a public school under this part for more
5871 than 10 school days, the parent [~~or guardian~~] is responsible for undertaking an alternative
5872 education plan which will ensure that the student's education continues during the period of
5873 suspension or expulsion.

5874 (2) (a) The parent [~~or guardian~~] shall work with designated school officials to
5875 determine how that responsibility might best be met through private education, an alternative
5876 program offered by or through the district or charter school, or other alternative which will
5877 reasonably meet the educational needs of the student.

5878 (b) The parent [~~or guardian~~] and designated school official may enlist the cooperation
5879 of the Division of Child and Family Services, the juvenile court, or other appropriate state
5880 agencies to meet the student's educational needs.

5881 (3) Costs for educational services which are not provided by the school district or
5882 charter school are the responsibility of the student's parent [~~or guardian~~].

5883 (4) (a) Each school district or charter school shall maintain a record of all suspended or
5884 expelled students and a notation of the recorded suspension or expulsion shall be attached to
5885 the individual student's transcript.

5886 (b) The district or charter school shall contact the parent [~~or guardian~~] of each

5887 suspended or expelled student under the age of 16 at least once each month to determine the
5888 student's progress.

5889 (5) (a) This part applies to students with disabilities to the extent permissible under
5890 applicable law or regulation.

5891 (b) If application of any requirement of this part to a student with a disability is not
5892 permissible under applicable law or regulation, the responsible school authority shall
5893 implement other actions consistent with the conflicting law or regulation which shall most
5894 closely correspond to the requirements of this part.

5895 Section 158. Section **53G-8-209** is amended to read:

5896 **53G-8-209. Extracurricular activities -- Prohibited conduct -- Reporting of**
5897 **violations -- Limitation of liability.**

5898 (1) The Legislature recognizes that:

5899 (a) participation in student government and extracurricular activities may confer
5900 important educational and lifetime benefits upon students, and encourages school districts and
5901 charter schools to provide a variety of opportunities for all students to participate in such
5902 activities in meaningful ways;

5903 (b) there is no constitutional right to participate in these types of activities, and does
5904 not through this section or any other provision of law create such a right;

5905 (c) students who participate in student government and extracurricular activities,
5906 particularly competitive athletics, and the adult coaches, advisors, and assistants who direct
5907 those activities, become role models for others in the school and community;

5908 (d) these individuals often play major roles in establishing standards of acceptable
5909 behavior in the school and community, and establishing and maintaining the reputation of the
5910 school and the level of community confidence and support afforded the school; and

5911 (e) it is of the utmost importance that those involved in student government, whether as
5912 officers or advisors, and those involved in competitive athletics and related activities, whether
5913 students or staff, comply with all applicable laws and ~~[rules]~~ standards of behavior and conduct
5914 themselves at all times in a manner befitting their positions and responsibilities.

5915 (2) (a) The ~~[State Board of Education]~~ state board may, and local ~~[boards of education~~
5916 ~~and governing boards of charter schools]~~ school boards and charter school governing boards
5917 shall, adopt rules or policies implementing this section that apply to both students and staff.

(b) The rules or policies described in Subsection (2)(a) shall include prohibitions against the following types of conduct in accordance with Section 53G-8-211, while in the classroom, on school property, during school sponsored activities, or regardless of the location or circumstance, affecting a person or property described in Subsections 53G-8-203(1)(e)(i) through (iv):

(i) use of foul, abusive, or profane language while engaged in school related activities;

(ii) illicit use, possession, or distribution of controlled substances or drug paraphernalia, and the use, possession, or distribution of an electronic cigarette as defined in Section 76-10-101, tobacco, or alcoholic beverages contrary to law; and

(iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including behavior involving physical violence, restraint, improper touching, or inappropriate exposure of body parts not normally exposed in public settings, forced ingestion of any substance, or any act which would constitute a crime against a person or public order under Utah law.

(3) (a) School employees who reasonably believe that a violation of this section may have occurred shall immediately report that belief to the school principal, district superintendent, or chief administrative officer of a charter school.

(b) Principals who receive a report under Subsection (3)(a) shall submit a report of the alleged incident, and actions taken in response, to the district superintendent or the superintendent's designee within 10 working days after receipt of the report.

(c) Failure of a person holding a professional certificate to report as required under this Subsection (3) constitutes an unprofessional practice.

(4) Limitations of liability set forth under Section 53G-8-405 apply to this section.

Section 159. Section **53G-8-210** is amended to read:

53G-8-210. Disruptive student behavior.

(1) As used in this section:

(a) "Disruptive student behavior" includes:

(i) the grounds for suspension or expulsion described in Section 53G-8-205; and

(ii) the conduct described in Subsection 53G-8-209(2)(b).

(b) "Parent" includes:

(i) a custodial parent of a school-age minor;

(ii) a legally appointed guardian of a school-age minor; or

(iii) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (1)(b)(i) or (ii).

(c) "Qualifying minor" means a school-age minor who:

(i) is at least nine years old; or

(ii) turns nine years old at any time during the school year.

(d) "School year" means the period of time designated by a local school board or ~~local~~ charter school governing board as the school year for the school where the school-age minor is enrolled.

(2) A local school board, school district, charter school governing board ~~[of a charter school]~~, or charter school may impose administrative penalties in accordance with Section 53G-8-211 on a school-age minor who violates this part.

(3) (a) A local school board or charter school governing board ~~[of a charter school]~~ shall:

(i) authorize a school administrator or a designee of a school administrator to issue notices of disruptive student behavior to qualifying minors; and

(ii) establish a procedure for a qualifying minor, or a qualifying minor's parent, to contest a notice of disruptive student behavior.

(b) A school representative shall provide to a parent of a school-age minor, a list of resources available to assist the parent in resolving the school-age minor's disruptive student behavior problem.

(c) A local school board or charter school governing board ~~[of a charter school]~~ shall establish procedures for a school counselor or other designated school representative to work with a qualifying minor who engages in disruptive student behavior in order to attempt to resolve the minor's disruptive student behavior problems.

(4) The notice of disruptive student behavior described in Subsection (3)(a):

(a) shall be issued to a qualifying minor who:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, three times during the school year; or

(ii) engages in disruptive student behavior, that results in suspension or expulsion, once during the school year;

(b) shall require that the qualifying minor and a parent of the qualifying minor:

(i) meet with school authorities to discuss the qualifying minor's disruptive student behavior; and

(ii) cooperate with the local school board or charter school governing board ~~[of a charter school]~~ in correcting the school-age minor's disruptive student behavior; and

(c) shall be mailed by certified mail to, or served on, a parent of the qualifying minor.

(5) A habitual disruptive student behavior notice:

(a) may only be issued to a qualifying minor who:

(i) engages in disruptive student behavior, that does not result in suspension or expulsion, at least six times during the school year;

(ii) (A) engages in disruptive student behavior, that does not result in suspension or expulsion, at least three times during the school year; and

(B) engages in disruptive student behavior, that results in suspension or expulsion, at least once during the school year; or

(iii) engages in disruptive student behavior, that results in suspension or expulsion, at least twice during the school year; and

(b) may only be issued by a school administrator, a designee of a school administrator, or a truancy specialist, who is authorized by a local school board or charter school governing board ~~[of a local charter school]~~ to issue a habitual disruptive student behavior notice.

(6) (a) A qualifying minor to whom a habitual disruptive student behavior notice is issued under Subsection (5) may not be referred to the juvenile court.

(b) Within five days after the day on which a habitual disruptive student behavior notice is issued, a representative of the school district or charter school shall provide documentation, to a parent of the qualifying minor who receives the notice, of the efforts made by a school counselor or representative under Subsection (3)(c).

Section 160. Section **53G-8-211** is amended to read:

53G-8-211. Responses to school-based behavior.

(1) As used in this section:

(a) "Evidence-based" means a program or practice that has:

(i) had multiple randomized control studies or a meta-analysis demonstrating that the program or practice is effective for a specific population;

(ii) been rated as effective by a standardized program evaluation tool; or

6011 (iii) been approved by the [~~State Board of Education~~] state board.

6012 (b) "Mobile crisis outreach team" means the same as that term is defined in Section
6013 78A-6-105.

6014 (c) "Restorative justice program" means a school-based program or a program used or
6015 adopted by a local education agency that is designed to enhance school safety, reduce school
6016 suspensions, and limit referrals to court, and is designed to help minors take responsibility for
6017 and repair the harm of behavior that occurs in school.

6018 (d) "School administrator" means a principal of a school.

6019 (e) "School is in session" means a day during which the school conducts instruction for
6020 which student attendance is counted toward calculating average daily membership.

6021 (f) "School resource officer" means a law enforcement officer, as defined in Section
6022 53-13-103, who contracts with, is employed by, or whose law enforcement agency contracts
6023 with a local education agency to provide law enforcement services for the local education
6024 agency.

6025 (g) (i) "School-sponsored activity" means an activity, fundraising event, club, camp,
6026 clinic, or other event or activity that is authorized by a specific local education agency or public
6027 school, according to [~~local~~] LEA governing board policy, and satisfies at least one of the
6028 following conditions:

6029 (A) the activity is managed or supervised by a local education agency or public school,
6030 or local education agency or public school employee;

6031 (B) the activity uses the local education agency or public school's facilities, equipment,
6032 or other school resources; or

6033 (C) the activity is supported or subsidized, more than inconsequentially, by public
6034 funds, including the public school's activity funds or [~~minimum school program~~] Minimum
6035 School Program dollars.

6036 (ii) "School-sponsored activity" includes preparation for and involvement in a public
6037 performance, contest, athletic competition, demonstration, display, or club activity.

6038 (h) (i) "Status offense" means a violation of the law that would not be a violation but
6039 for the age of the offender.

6040 (ii) Notwithstanding Subsection (1)(h)(i), a status offense does not include a violation
6041 that by statute is made a misdemeanor or felony.

6042 (2) This section applies to a minor enrolled in school who is alleged to have committed
6043 an offense at the school where the student is enrolled:

6044 (a) on school property where the student is enrolled:

6045 (i) when school is in session; or

6046 (ii) during a school-sponsored activity; or

6047 (b) that is truancy.

6048 (3) (a) If the alleged offense is a class C misdemeanor, an infraction, a status offense
6049 on school property, or truancy, the minor may not be referred to law enforcement or court but
6050 may be referred to evidence-based alternative interventions, including:

6051 (i) a mobile crisis outreach team, as defined in Section 78A-6-105;

6052 (ii) a receiving center operated by the Division of Juvenile Justice Services in
6053 accordance with Section 62A-7-104;

6054 (iii) a youth court or comparable restorative justice program;

6055 (iv) evidence-based interventions created and developed by the school or school
6056 district; and

6057 (v) other evidence-based interventions that may be jointly created and developed by a
6058 local education agency, the [~~State Board of Education~~] state board, the juvenile court, local
6059 counties and municipalities, the Department of Health, or the Department of Human Services.

6060 (b) Notwithstanding Subsection (3)(a), a school resource officer may:

6061 (i) investigate possible criminal offenses and conduct, including conducting probable
6062 cause searches;

6063 (ii) consult with school administration about the conduct of a minor enrolled in a
6064 school;

6065 (iii) transport a minor enrolled in a school to a location if the location is permitted by
6066 law;

6067 (iv) take temporary custody of a minor pursuant to Subsection 78A-6-112(1); or

6068 (v) protect the safety of students and the school community, including the use of
6069 reasonable and necessary physical force when appropriate based on the totality of the
6070 circumstances.

6071 (c) Notwithstanding other provisions of this section, a law enforcement officer who has
6072 cause to believe a minor has committed an offense on school property when school is not in

session nor during a school-sponsored activity, the law enforcement officer may refer the minor to court or may refer the minor to evidence-based alternative interventions at the discretion of the law enforcement officer.

(4) (a) Notwithstanding Subsection (3)(a) and subject to the requirements of this Subsection (4), a school district or school may refer a minor to court for a class C misdemeanor committed on school property or for being a habitual truant, as defined in Section 53G-6-201, if the minor refuses to participate in an evidence-based alternative intervention described in Subsection (3)(a).

(b) (i) When a minor is referred to court under Subsection (4)(a), the school shall appoint a school representative to continue to engage with the minor and the minor's family through the court process.

(ii) A school representative appointed under this Subsection (4)(b) may not be a school resource officer.

(c) A school district or school shall include the following in its referral to the court:

(i) attendance records for the minor;

(ii) a report of evidence-based alternative interventions used by the school before referral, including outcomes;

(iii) the name and contact information of the school representative assigned to actively participate in the court process with the minor and the minor's family; and

(iv) any other information the school district or school considers relevant.

(d) A minor referred to court under this Subsection (4), may not be ordered to or placed in secure detention, including for a contempt charge or violation of a valid court order under Section 78A-6-1101 when the underlying offense is a class C misdemeanor occurring on school property or habitual truancy.

(e) If a minor is referred to court under this Subsection (4), the court may use, when available, the resources of the Division of Juvenile Justice Services or the Division of Substance Abuse and Mental Health to address the minor.

(5) If the alleged offense is a class B misdemeanor or a class A misdemeanor, the minor may be referred directly to the juvenile court by the school administrator, the school administrator's designee, or a school resource officer, or the minor may be referred to the evidence-based alternative interventions in Subsection (3)(a).

6104 Section 161. Section **53G-8-212** is amended to read:

6105 **53G-8-212. Defacing or damaging school property -- Student's liability -- Work**
6106 **program alternative.**

6107 (1) A student who willfully defaces or otherwise damages any school property may be
6108 suspended or otherwise disciplined.

6109 (2) (a) If a school's property has been lost or willfully cut, defaced, or otherwise
6110 damaged, the school may withhold the issuance of an official written grade report, diploma, or
6111 transcript of the student responsible for the damage or loss until the student or the student's
6112 parent [~~or guardian~~] has paid for the damages.

6113 (b) The student's parent [~~or guardian~~] is liable for damages as otherwise provided in
6114 Section 78A-6-1113.

6115 (3) (a) If the student and the student's parent [~~or guardian~~] are unable to pay for the
6116 damages or if it is determined by the school in consultation with the student's parent [~~or~~
6117 ~~guardian~~] that the student's interests would not be served if the parent [~~or guardian~~] were to pay
6118 for the damages, the school shall provide for a program of work the student may complete in
6119 lieu of the payment.

6120 (b) The school shall release the official grades, diploma, and transcripts of the student
6121 upon completion of the work.

6122 (4) Before any penalties are assessed under this section, the school shall adopt
6123 procedures to ensure that the student's right to due process is protected.

6124 (5) No penalty may be assessed for damages which may be reasonably attributed to
6125 normal wear and tear.

6126 (6) If the Department of Human Services or a licensed child-placing agency has been
6127 granted custody of the student, the student's records, if requested by the department or agency,
6128 may not be withheld from the department or agency for nonpayment of damages under this
6129 section.

6130 Section 162. Section **53G-8-302** is amended to read:

6131 **53G-8-302. Prohibition of corporal punishment -- Use of reasonable and**
6132 **necessary physical restraint.**

6133 (1) A school employee may not inflict or cause the infliction of corporal punishment
6134 upon a student.

(2) A school employee may use reasonable and necessary physical restraint in self defense or when otherwise appropriate to the circumstances to:

(a) obtain possession of a weapon or other dangerous object in the possession or under the control of a student;

(b) protect a student or another individual from physical injury;

(c) remove from a situation a student who is violent; or

(d) protect property from being damaged, when physical safety is at risk.

(3) Nothing in this section prohibits a school employee from using less intrusive means, including a physical escort, to address circumstances described in Subsection (2).

(4) (a) Any rule, ordinance, policy, practice, or directive which purports to direct or permit the commission of an act prohibited by this part is void and unenforceable.

(b) An employee may not be subjected to any sanction for failure or refusal to commit an act prohibited under this part.

(5) A parochial or private school that does not receive state funds to provide for the education of a student may exempt itself from the provisions of this section by adopting a policy to that effect and notifying the parents [~~or guardians~~] of students in the school of the exemption.

(6) This section does not apply to a law enforcement officer as defined in Section 53-13-103.

Section 163. Section **53G-8-404** is amended to read:

53G-8-404. State board to set procedures.

The [~~State Board of Education~~] state board shall make rules governing the dissemination of the information.

Section 164. Section **53G-8-503** is amended to read:

53G-8-503. Reporting procedure.

(1) The principal of a public school affected by this chapter shall appoint one educator as the "designated educator" to make all reports required under Sections 53G-8-501 through 53G-8-504.

(2) The designated educator, upon receiving a report of a prohibited act from an educator under Section 53G-8-502, shall immediately report the violation to the student's parent [~~or legal guardian~~], and may report the violation to an appropriate law enforcement

6166 agency or official, in accordance with Section 53G-8-211.

6167 (3) The designated educator may not disclose to the student or to the student's parent
6168 [~~or legal guardian~~] the identity of the educator who made the initial report.

6169 Section 165. Section **53G-8-509** is amended to read:

6170 **53G-8-509. State board rules to ensure protection of individual rights.**

6171 The [~~State Board of Education and local boards of education~~] state board and LEA
6172 governing boards shall adopt rules or policies to implement Sections 53G-8-505 through
6173 53G-8-508. The rules or policies shall establish procedures to ensure protection of individual
6174 rights against excessive and unreasonable intrusion.

6175 Section 166. Section **53G-8-604** is amended to read:

6176 **53G-8-604. Traffic ordinances on school property -- Enforcement.**

6177 (1) A local political subdivision in which real property is located that belongs to, or is
6178 controlled by, the [~~State Board of Education, a local board of education~~] state board, an LEA
6179 governing board, an area vocational center, or the Utah Schools for the Deaf and the Blind
6180 may, at the request of the responsible board of education or institutional council, adopt
6181 ordinances for the control of vehicular traffic on that property.

6182 (2) A law enforcement officer whose jurisdiction includes the property in question may
6183 enforce an ordinance adopted under Subsection (1).

6184 Section 167. Section **53G-8-701** is amended to read:

6185 **53G-8-701. Definitions.**

6186 As used in this [~~section~~] part:

6187 [~~(1) "Governing authority" means:~~]

6188 [~~(a) for a school district, the local school board;~~]

6189 [~~(b) for a charter school, the governing board; or~~]

6190 [~~(c) for the Utah Schools for the Deaf and the Blind, the State Board of Education.~~]

6191 [~~(2)~~] (1) "Law enforcement agency" means the same as that term is defined in Section
6192 53-1-102.

6193 [~~(3) "Local education agency" or "LEA" means:~~]

6194 [~~(a) a school district;~~]

6195 [~~(b) a charter school; or~~]

6196 [~~(c) the Utah Schools for the Deaf and the Blind.~~]

6197 ~~[(4)]~~ (2) "School resource officer" or "SRO" means a law enforcement officer, as
6198 defined in Section 53-13-103, who contracts with or whose law enforcement agency contracts
6199 with an LEA to provide law enforcement services for the LEA.

6200 Section 168. Section **53G-8-702** is amended to read:

6201 **53G-8-702. School resource officer training -- Curriculum.**

6202 (1) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
6203 ~~the State Board of Education]~~ The state board shall make rules that prepare and make available
6204 a training program for school principals and school resource officers to attend.

6205 (2) To create the curriculum and materials for the training program described in
6206 Subsection (1), the ~~[State Board of Education]~~ state board shall:

6207 (a) work in conjunction with the State Commission on Criminal and Juvenile Justice
6208 created in Section 63M-7-201;

6209 (b) solicit input from local school boards, charter school governing boards, and the
6210 Utah Schools for the Deaf and the Blind;

6211 (c) solicit input from local law enforcement and other interested community
6212 stakeholders; and

6213 (d) consider the current United States Department of Education recommendations on
6214 school discipline and the role of a school resource officer.

6215 (3) The training program described in Subsection (1) may include training on the
6216 following:

6217 (a) childhood and adolescent development;

6218 (b) responding age-appropriately to students;

6219 (c) working with disabled students;

6220 (d) techniques to de-escalate and resolve conflict;

6221 (e) cultural awareness;

6222 (f) restorative justice practices;

6223 (g) identifying a student exposed to violence or trauma and referring the student to
6224 appropriate resources;

6225 (h) student privacy rights;

6226 (i) negative consequences associated with youth involvement in the juvenile and
6227 criminal justice systems;

(j) strategies to reduce juvenile justice involvement; and
(k) roles of and distinctions between a school resource officer and other school staff who help keep a school secure.

Section 169. Section **53G-8-703** is amended to read:

53G-8-703. Contracts between an LEA and law enforcement for school resource officer services -- Requirements.

(1) An LEA may contract with a law enforcement agency or an individual to provide school resource officer services at the LEA if the ~~[LEA's governing authority]~~ LEA governing board reviews and approves the contract.

(2) If an LEA contracts with a law enforcement agency or an individual to provide SRO services at the LEA, the ~~[LEA's governing authority]~~ LEA governing board shall require in the contract:

(a) an acknowledgment by the law enforcement agency or the individual that an SRO hired under the contract shall:

(i) provide for and maintain a safe, healthy, and productive learning environment in a school;

(ii) act as a positive role model to students;

(iii) work to create a cooperative, proactive, and problem-solving partnership between law enforcement and the LEA;

(iv) emphasize the use of restorative approaches to address negative behavior; and

(v) at the request of the LEA, teach a vocational law enforcement class;

(b) a description of the shared understanding of the LEA and the law enforcement agency or individual regarding the roles and responsibilities of law enforcement and the LEA to:

(i) maintain safe schools;

(ii) improve school climate; and

(iii) support educational opportunities for students;

(c) a designation of student offenses that the SRO shall confer with the LEA to resolve, including an offense that:

(i) is a minor violation of the law; and

(ii) would not violate the law if the offense was committed by an adult;

(d) a designation of student offenses that are administrative issues that an SRO shall refer to a school administrator for resolution in accordance with Section 53G-8-211;

(e) a detailed description of the rights of a student under state and federal law with regard to:

(i) searches;

(ii) questioning; and

(iii) information privacy;

(f) a detailed description of:

(i) job duties;

(ii) training requirements; and

(iii) other expectations of the SRO and school administration in relation to law enforcement at the LEA;

(g) that an SRO who is hired under the contract and the principal at the school where an SRO will be working, or the principal's designee, will jointly complete the SRO training described in Section 53G-8-702; and

(h) if the contract is between an LEA and a law enforcement agency, that:

(i) both parties agree to jointly discuss SRO applicants; and

(ii) the law enforcement agency will accept feedback from an LEA about an SRO's performance.

Section 170. Section **53G-9-203** is amended to read:

53G-9-203. Definitions -- School personnel -- Medical recommendations --

Exceptions -- Penalties.

(1) As used in this section:

(a) "Health care professional" means a physician, physician assistant, nurse, dentist, or mental health therapist.

(b) "School personnel" means a school district or charter school employee, including a licensed, part-time, contract, or nonlicensed employee.

(2) School personnel may:

(a) provide information and observations to a student's parent [~~or guardian~~] about that student, including observations and concerns in the following areas:

(i) progress;

6290 (ii) health and wellness;
6291 (iii) social interactions;
6292 (iv) behavior; or
6293 (v) topics consistent with Subsection 53E-9-203(6);
6294 (b) communicate information and observations between school personnel regarding a
6295 child;
6296 (c) refer students to other appropriate school personnel and agents, consistent with
6297 local school board or charter school policy, including referrals and communication with a
6298 school counselor or other mental health professionals working within the school system;
6299 (d) consult or use appropriate health care professionals in the event of an emergency
6300 while the student is at school, consistent with the student emergency information provided at
6301 student enrollment;
6302 (e) exercise their authority relating to the placement within the school or readmission
6303 of a child who may be or has been suspended or expelled for a violation of Section 53G-8-205;
6304 and
6305 (f) complete a behavioral health evaluation form if requested by a student's parent [~~or~~
6306 ~~guardian~~] to provide information to a licensed physician.

6307 (3) School personnel shall:
6308 (a) report suspected child abuse consistent with Section 62A-4a-403;
6309 (b) comply with applicable state and local health department laws, rules, and policies;
6310 and
6311 (c) conduct evaluations and assessments consistent with the Individuals with
6312 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments.

6313 (4) Except as provided in Subsection (2), Subsection (6), and Section 53G-9-604,
6314 school personnel may not:
6315 (a) recommend to a parent [~~or guardian~~] that a child take or continue to take a
6316 psychotropic medication;
6317 (b) require that a student take or continue to take a psychotropic medication as a
6318 condition for attending school;
6319 (c) recommend that a parent [~~or guardian~~] seek or use a type of psychiatric or
6320 psychological treatment for a child;

(d) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child, except where this Subsection (4)(d) conflicts with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., and its subsequent amendments; or

(e) make a child abuse or neglect report to authorities, including the Division of Child and Family Services, solely or primarily on the basis that a parent ~~[or guardian]~~ refuses to consent to:

(i) a psychiatric, psychological, or behavioral treatment for a child, including the administration of a psychotropic medication to a child; or

(ii) a psychiatric or behavioral health evaluation of a child.

(5) Notwithstanding Subsection (4)(e), school personnel may make a report that would otherwise be prohibited under Subsection (4)(e) if failure to take the action described under Subsection (4)(e) would present a serious, imminent risk to the child's safety or the safety of others.

(6) Notwithstanding Subsection (4), a school counselor or other mental health professional acting in accordance with Title 58, Chapter 60, Mental Health Professional Practice Act, or licensed through the ~~[State Board of Education]~~ state board, working within the school system may:

(a) recommend, but not require, a psychiatric or behavioral health evaluation of a child;

(b) recommend, but not require, psychiatric, psychological, or behavioral treatment for a child;

(c) conduct a psychiatric or behavioral health evaluation or mental health screening, test, evaluation, or assessment of a child in accordance with Section 53E-9-203; and

(d) provide to a parent ~~[or guardian]~~, upon the specific request of the parent ~~[or guardian]~~, a list of three or more health care professionals or providers, including licensed physicians, psychologists, or other health specialists.

(7) Local school boards or charter schools shall adopt a policy:

(a) providing for training of appropriate school personnel on the provisions of this section; and

(b) indicating that an intentional violation of this section is cause for disciplinary action consistent with local school board or charter school policy and under Section 53G-11-513.

(8) Nothing in this section shall be interpreted as discouraging general communication not prohibited by this section between school personnel and a student's parent ~~[or guardian]~~.

Section 171. Section **53G-9-205** is amended to read:

53G-9-205. School Breakfast Program -- Review of nonparticipants.

(1) (a) Each local school board shall, at least once every three years, review each elementary school in its district that does not participate in the School Breakfast Program as to the school's reasons for nonparticipation.

(b) (i) If the local school board determines that there are valid reasons for the school's nonparticipation, no further action is needed.

(ii) Reasons for nonparticipation may include a recommendation from the school community council authorized under Section 53G-7-1202 or a similar group of parents and school employees that the school should not participate in the program.

(2) (a) After two nonparticipation reviews, a local school board may, by majority vote, waive any further reviews of the nonparticipatory school.

(b) A waiver of the review process under Subsection (2)(a) does not prohibit subsequent consideration by the local school board of an individual school's nonparticipation in the School Breakfast Program.

(3) The requirements of this section shall be nullified by the termination of the entitlement status of the School Breakfast Program by the federal government.

Section 172. Section **53G-9-206** is amended to read:

53G-9-206. Eye protective devices for industrial education, physics laboratory, and chemistry laboratory activities.

(1) Any individual who participates in any of the following activities in public or private schools that may endanger his vision shall wear quality eye protective devices:

(a) industrial education activities that involve:

(i) hot molten metals;

(ii) the operation of equipment that could throw particles of foreign matter into the eyes;

(iii) heat treating, tempering, or kiln firing of any industrial materials;

(iv) gas or electric arc welding; or

(v) caustic or explosive material;

(b) chemistry or physics laboratories when using caustic or explosive chemicals, and hot liquids and solids.

(2) "Quality eye protective devices" means devices that meet the standards of the American Safety Code for Head, Eye, and Respiratory Protection, Z2.1-1959, promulgated by the American Standards Association, Inc.

(3) (a) The local school board shall furnish these protective devices to individuals involved in these activities.

(b) The local school board may sell these protective devices at cost or rent or loan them to individuals involved in these activities.

Section 173. Section **53G-9-207** is amended to read:

53G-9-207. Child sexual abuse prevention.

(1) As used in this section, "school personnel" means the same as that term is defined in Section 53G-9-203.

(2) The ~~[State Board of Education]~~ state board shall approve, in partnership with the Department of Human Services, age-appropriate instructional materials for the training and instruction described in Subsections (3)(a) and (4).

(3) (a) A school district or charter school shall provide, every other year, training and instruction on child sexual abuse prevention and awareness to:

(i) school personnel in elementary and secondary schools on:

(A) responding to a disclosure of child sexual abuse in a supportive, appropriate manner; and

(B) the mandatory reporting requirements described in Sections 53E-6-701 and 62A-4a-403; and

(ii) parents ~~[or guardians]~~ of elementary school students on:

(A) recognizing warning signs of a child who is being sexually abused; and

(B) effective, age-appropriate methods for discussing the topic of child sexual abuse with a child.

(b) A school district or charter school shall use the instructional materials approved by the ~~[State Board of Education]~~ state board under Subsection (2) to provide the training and instruction to school personnel and parents ~~[or guardians]~~ under Subsection (3)(a).

(4) (a) In accordance with Subsections (4)(b) and (5), a school district or charter school

6414 may provide instruction on child sexual abuse prevention and awareness to elementary school
6415 students using age-appropriate curriculum.

6416 (b) A school district or charter school that provides the instruction described in
6417 Subsection (4)(a) shall use the instructional materials approved by the state board under
6418 Subsection (2) to provide the instruction.

6419 (5) (a) An elementary school student may not be given the instruction described in
6420 Subsection (4) unless the parent [~~or guardian~~] of the student is:

6421 (i) notified in advance of the:

6422 (A) instruction and the content of the instruction; and

6423 (B) [~~parent or guardian's~~] parent's right to have the student excused from the
6424 instruction;

6425 (ii) given an opportunity to review the instructional materials before the instruction
6426 occurs; and

6427 (iii) allowed to be present when the instruction is delivered.

6428 (b) Upon the written request of the parent [~~or guardian~~] of an elementary school
6429 student, the student shall be excused from the instruction described in Subsection (4).

6430 (c) Participation of a student requires compliance with Sections 53E-9-202 and
6431 53E-9-203.

6432 (6) A school district or charter school may determine the mode of delivery for the
6433 training and instruction described in Subsections (3) and (4).

6434 (7) Upon request of the [~~State Board of Education~~] state board, a school district or
6435 charter school shall provide evidence of compliance with this section.

6436 Section 174. Section **53G-9-208** is amended to read:

6437 **53G-9-208. Sunscreen -- Possession -- Administration -- Immunity.**

6438 (1) As used in this section, "sunscreen" means a compound topically applied to prevent
6439 sunburn.

6440 (2) A public school shall permit a student, without a parent or physician's
6441 authorization, to possess or self-apply sunscreen that is regulated by the Food and Drug
6442 Administration.

6443 (3) If a student is unable to self-apply sunscreen, a volunteer school employee may
6444 apply the sunscreen on the student if the student's parent [~~or legal guardian~~] provides written

6445 consent for the assistance.

6446 (4) A volunteer school employee who applies sunscreen on a student in compliance
6447 with Subsection (3) and the volunteer school employee's employer are not liable for:

6448 (a) an adverse reaction suffered by the student as a result of having the sunscreen
6449 applied; or

6450 (b) discontinuing the application of the sunscreen at any time.

6451 Section 175. Section **53G-9-301** is amended to read:

6452 **53G-9-301. Definitions.**

6453 As used in this part:

6454 (1) "Department" means the Department of Health, created in Section 26-1-4.

6455 (2) "Health official" means an individual designated by a local health department from
6456 within the local health department to consult and counsel parents and licensed health care
6457 providers, in accordance with Subsection 53G-9-304(2)(a).

6458 (3) "Health official designee" means a licensed health care provider designated by a
6459 local health department, in accordance with Subsection 53G-9-304(2)(b), to consult with
6460 parents, licensed health care professionals, and school officials.

6461 (4) "Immunization" or "immunize" means a process through which an individual
6462 develops an immunity to a disease, through vaccination or natural exposure to the disease.

6463 (5) "Immunization record" means a record relating to a student that includes:

6464 (a) information regarding each required vaccination that the student has received,
6465 including the date each vaccine was administered, verified by:

6466 (i) a licensed health care provider;

6467 (ii) an authorized representative of a local health department;

6468 (iii) an authorized representative of the department;

6469 (iv) a registered nurse; or

6470 (v) a pharmacist;

6471 (b) information regarding each disease against which the student has been immunized
6472 by previously contracting the disease; and

6473 (c) an exemption form identifying each required vaccination from which the student is
6474 exempt, including all required supporting documentation described in Section 53G-9-303.

6475 (6) "Legally responsible individual" means:

6476 (a) a student's parent;

6477 (b) the student's legal guardian;

6478 (c) an adult brother or sister of a student who has no legal guardian; or

6479 (d) the student, if the student:

6480 (i) is an adult; or

6481 (ii) is a minor who may consent to treatment under Section 26-10-9.

6482 (7) "Licensed health care provider" means a health care provider who is licensed under

6483 Title 58, Occupations and Professions, as:

6484 (a) a medical doctor;

6485 (b) an osteopathic doctor;

6486 (c) a physician assistant; or

6487 (d) an advanced practice registered nurse.

6488 ~~[(8) "Local education agency" or "LEA" means:]~~

6489 ~~[(a) a school district;]~~

6490 ~~[(b) a charter school; or]~~

6491 ~~[(c) the Utah Schools for the Deaf and the Blind.]~~

6492 ~~[(9)]~~ (8) "Local health department" means the same as that term is defined in Section

6493 26A-1-102.

6494 ~~[(10)]~~ (9) "Required vaccines" means vaccines required by department rule described

6495 in Section 53G-9-305.

6496 ~~[(11)]~~ (10) "School" means any public or private:

6497 (a) elementary or secondary school through grade 12;

6498 (b) preschool;

6499 (c) child care program, as that term is defined in Section 26-39-102;

6500 (d) nursery school; or

6501 (e) kindergarten.

6502 ~~[(12)]~~ (11) "Student" means an individual who attends a school.

6503 ~~[(13)]~~ (12) "Vaccinating" or "vaccination" means the administration of a vaccine.

6504 ~~[(14)]~~ (13) "Vaccination exemption form" means a form, described in Section

6505 53G-9-304, that documents and verifies that a student is exempt from the requirement to

6506 receive one or more required vaccines.

6507 ~~[(15)]~~ (14) "Vaccine" means the substance licensed for use by the United States Food
6508 and Drug Administration that is injected into or otherwise administered to an individual to
6509 immunize the individual against a communicable disease.

6510 Section 176. Section **53G-9-402** is amended to read:

6511 **53G-9-402. Rules for examinations prescribed by Department of Health --**
6512 **Notification of impairment.**

6513 (1) (a) Each local school board shall implement ~~[rules]~~ policies as prescribed by the
6514 Department of Health for vision, dental, abnormal spinal curvature, and hearing examinations
6515 of students attending the district's schools.

6516 (b) Under guidelines of the Department of Health, qualified health professionals shall
6517 provide instructions, equipment, and materials for conducting the examinations.

6518 (c) The ~~[rules]~~ policies shall include exemption provisions for students whose parents
6519 ~~[or guardians]~~ contend the examinations violate their personal beliefs.

6520 (2) The school shall notify, in writing, a student's parent ~~[or guardian]~~ of any
6521 impairment disclosed by the examinations.

6522 Section 177. Section **53G-9-404** is amended to read:

6523 **53G-9-404. Vision screening.**

6524 (1) As used in this section:

6525 (a) "Office" means the Utah State Office of Rehabilitation created in Section
6526 35A-1-202.

6527 (b) "Qualifying child" means a child who is at least 3-1/2 years old, but is less than
6528 nine years old.

6529 (2) A child under nine years old entering school for the first time in this state must
6530 present the following to the school:

6531 (a) a certificate signed by a licensed physician, optometrist, or other licensed health
6532 professional approved by the office, stating that the child has received vision screening to
6533 determine the presence of amblyopia or other visual defects; or

6534 (b) a written statement signed by at least one parent ~~[or legal guardian]~~ of the child that
6535 the screening violates the personal beliefs of the parent ~~[or legal guardian]~~.

6536 (3) (a) The office:

6537 (i) shall provide vision screening report forms to a person approved by the office to

6538 conduct a free vision screening for a qualifying child;

6539 (ii) may work with health care professionals, teachers, and vision screeners to develop
6540 protocols that may be used by a parent, teacher, or vision screener to help identify a child who
6541 may have conditions that are not detected in a vision screening, such as problems with eye
6542 focusing, eye tracking, visual perceptual skills, visual motor integration, and convergence
6543 insufficiency; and

6544 (iii) shall, once protocols are established under Subsection (3)(a)(ii), develop language
6545 regarding the vision problems identified in Subsection (3)(a)(ii) to be included in the notice
6546 required by Subsection (3)(b).

6547 (b) The report forms shall include the following information for a parent [~~or guardian~~]:
6548 "vision screening is not a substitute for a complete eye exam and vision evaluation by an eye
6549 doctor."

6550 (4) A school district or charter school may conduct free vision screening clinics for a
6551 qualifying child.

6552 (5) (a) The office shall maintain a central register of qualifying children who fail vision
6553 screening and who are referred for follow-up treatment.

6554 (b) The register described in Subsection (5)(a) shall include the name of the child, age
6555 or birthdate, address, cause for referral, and follow-up results.

6556 (c) A school district or charter school shall report to the office referral follow-up results
6557 for a qualifying child.

6558 (6) (a) A school district or charter school shall ensure that a volunteer who serves as a
6559 vision screener for a free vision screening clinic for a qualifying child:

6560 (i) is a school nurse;

6561 (ii) holds a certificate issued by the office under Subsection (6)(b)(ii); or

6562 (iii) is directly supervised by an individual described in Subsection (6)(a)(i) or (ii).

6563 (b) The office shall:

6564 (i) provide vision screening training to a volunteer seeking a certificate described in
6565 Subsection (6)(b)(ii), using curriculum established by the office; and

6566 (ii) issue a certificate to a volunteer who successfully completes the vision screening
6567 training described in Subsection (6)(b)(i).

6568 (c) An individual described in Subsection (6)(a) is not liable for damages that result

6569 from acts or omissions related to the vision screening, unless the acts or omissions are willful
6570 or grossly negligent.

6571 (7) (a) Except as provided in Subsection (7)(b), a licensed health professional
6572 providing vision care to private patients may not participate as a screener in a free vision
6573 screening program provided by a school district.

6574 (b) A school district or charter school may:

6575 (i) allow a licensed health professional who provides vision care to private patients to
6576 participate as a screener in a free vision screening program for a child 3-1/2 years old or older;

6577 (ii) establish guidelines to administer a free vision screening program described in
6578 Subsection (7)(b)(i); and

6579 (iii) establish penalties for a violation of the requirements of Subsection (7)(c).

6580 (c) A licensed health professional or other person who participates as a screener in a
6581 free vision screening program described in Subsection (7)(b):

6582 (i) may not market, advertise, or promote the licensed health professional's business in
6583 connection with providing the free screening at the school; and

6584 (ii) shall provide the child's results of the free vision screening on a form produced by
6585 the school or school district, which:

6586 (A) may not include contact information other than the name of the licensed health
6587 professional; and

6588 (B) shall include a statement: "vision screening is not a substitute for a complete eye
6589 exam and vision evaluation by an eye doctor."

6590 (d) A school district or charter school may provide information to a parent [~~or~~
6591 ~~guardian~~] of the availability of follow up vision services for a student.

6592 (8) The Department of Health shall:

6593 (a) by rule, set standards and procedures for vision screening required by this part,
6594 which shall include a process for notifying the parent [~~or guardian~~] of a child who fails a vision
6595 screening or is identified as needing follow-up care; and

6596 (b) provide the office with copies of rules, standards, instructions, and test charts
6597 necessary for conducting vision screening.

6598 (9) The office shall supervise screening, referral, and follow-up required by this part.

6599 Section 178. Section **53G-9-502** is amended to read:

53G-9-502. Administration of medication to students -- Prerequisites -- Immunity from liability -- Applicability.

(1) A public or private school that holds any classes in grades kindergarten through 12 may provide for the administration of medication to any student during periods when the student is under the control of the school, subject to the following conditions:

(a) the local school board, charter school governing board, or the private equivalent, after consultation with the Department of Health and school nurses shall adopt policies that provide for:

- (i) the designation of volunteer employees who may administer medication;
- (ii) proper identification and safekeeping of medication;
- (iii) the training of designated volunteer employees by the school nurse;
- (iv) maintenance of records of administration; and
- (v) notification to the school nurse of medication that will be administered to students;

and

(b) medication may only be administered to a student if:

(i) the student's parent [~~or legal guardian~~] has provided a current written and signed request that medication be administered during regular school hours to the student; and

(ii) the student's licensed health care provider has prescribed the medication and provides documentation as to the method, amount, and time schedule for administration, and a statement that administration of medication by school employees during periods when the student is under the control of the school is medically necessary.

(2) Authorization for administration of medication by school personnel may be withdrawn by the school at any time following actual notice to the student's parent [~~or guardian~~].

(3) School personnel who provide assistance under Subsection (1) in substantial compliance with the licensed health care provider's written prescription and the employers of these school personnel are not liable, civilly or criminally, for:

(a) any adverse reaction suffered by the student as a result of taking the medication;

and

(b) discontinuing the administration of the medication under Subsection (2).

(4) Subsections (1) through (3) do not apply to:

6631 (a) the administration of glucagon in accordance with Section 53G-9-504;
6632 (b) the administration of a seizure rescue medication in accordance with Section
6633 53G-9-505; or
6634 (c) the administration of an opiate antagonist in accordance with Title 26, Chapter 55,
6635 Opiate Overdose Response Act.
6636 Section 179. Section **53G-9-503** is amended to read:
6637 **53G-9-503. Self-administration of asthma medication.**
6638 (1) As used in this section, "asthma medication" means prescription or nonprescription,
6639 inhaled asthma medication.
6640 (2) A public school shall permit a student to possess and self-administer asthma
6641 medication if:
6642 (a) the student's parent [~~or guardian~~] signs a statement:
6643 (i) authorizing the student to self-administer asthma medication; and
6644 (ii) acknowledging that the student is responsible for, and capable of,
6645 self-administering the asthma medication; and
6646 (b) the student's health care provider provides a written statement that states:
6647 (i) it is medically appropriate for the student to self-administer asthma medication and
6648 be in possession of asthma medication at all times; and
6649 (ii) the name of the asthma medication prescribed or authorized for the student's use.
6650 (3) The Utah Department of Health, in cooperation with the state superintendent [~~of~~
6651 ~~public instruction~~], shall design forms to be used by public schools for the parental and health
6652 care provider statements described in Subsection (2).
6653 (4) Section 53G-8-205 does not apply to the possession and self-administration of
6654 asthma medication in accordance with this section.
6655 Section 180. Section **53G-9-504** is amended to read:
6656 **53G-9-504. Administration of glucagon -- Training of volunteer school personnel**
6657 **-- Authority to use glucagon -- Immunity from liability.**
6658 (1) As used in this section, "glucagon authorization" means a signed statement from a
6659 parent [~~or guardian~~] of a student with diabetes:
6660 (a) certifying that glucagon has been prescribed for the student;
6661 (b) requesting that the student's public school identify and train school personnel who

6662 volunteer to be trained in the administration of glucagon in accordance with this section; and
6663 (c) authorizing the administration of glucagon in an emergency to the student in
6664 accordance with this section.

6665 (2) (a) A public school shall, within a reasonable time after receiving a glucagon
6666 authorization, train two or more school personnel who volunteer to be trained in the
6667 administration of glucagon, with training provided by the school nurse or another qualified,
6668 licensed medical professional.

6669 (b) A public school shall allow all willing school personnel to receive training in the
6670 administration of glucagon, and the school shall assist and may not obstruct the identification
6671 or training of volunteers under this Subsection (2).

6672 (c) The Utah Department of Health, in cooperation with the state superintendent ~~[of~~
6673 ~~public instruction]~~, shall design a glucagon authorization form to be used by public schools in
6674 accordance with this section.

6675 (3) (a) Training in the administration of glucagon shall include:

6676 (i) techniques for recognizing the symptoms that warrant the administration of
6677 glucagon;

6678 (ii) standards and procedures for the storage and use of glucagon;

6679 (iii) other emergency procedures, including calling the emergency 911 number and
6680 contacting, if possible, the student's parent ~~[or guardian]~~; and

6681 (iv) written materials covering the information required under this Subsection (3).

6682 (b) A school shall retain for reference the written materials prepared in accordance with
6683 Subsection (3)(a)(iv).

6684 (4) A public school shall permit a student or school personnel to possess or store
6685 prescribed glucagon so that it will be available for administration in an emergency in
6686 accordance with this section.

6687 (5) (a) A person who has received training in accordance with this section may
6688 administer glucagon at a school or school activity to a student with a glucagon authorization if:

6689 (i) the student is exhibiting the symptoms that warrant the administration of glucagon;
6690 and

6691 (ii) a licensed health care professional is not immediately available.

6692 (b) A person who administers glucagon in accordance with Subsection (5)(a) shall

direct a responsible person to call 911 and take other appropriate actions in accordance with the training materials retained under Subsection (3)(b).

(6) School personnel who provide or receive training under this section and act in good faith are not liable in any civil or criminal action for any act taken or not taken under the authority of this section with respect to the administration of glucagon.

(7) Section 53G-9-502 does not apply to the administration of glucagon in accordance with this section.

(8) Section 53G-8-205 does not apply to the possession and administration of glucagon in accordance with this section.

(9) The unlawful or unprofessional conduct provisions of Title 58, Occupations and Professions, do not apply to a person licensed as a health professional under Title 58, Occupations and Professions, including a nurse, physician, or pharmacist who, in good faith, trains nonlicensed volunteers to administer glucagon in accordance with this section.

Section 181. Section **53G-9-505** is amended to read:

53G-9-505. Trained school employee volunteers -- Administration of seizure rescue medication -- Exemptions from liability.

(1) As used in this section:

(a) "Prescribing health care professional" means:

(i) a physician and surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act;

(ii) an osteopathic physician and surgeon licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

(iii) an advanced practice registered nurse licensed under Title 58, Chapter 31b, Nurse Practice Act; or

(iv) a physician assistant licensed under Title 58, Chapter 70a, Physician Assistant Act.

~~[(b) "Section 504 accommodation plan" means a plan developed pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to an individual with a disability to ensure access to major life activities.]~~

~~[(c)]~~ (b) "Seizure rescue authorization" means a student's Section 504 accommodation plan that:

(i) certifies that:

6724 (A) a prescribing health care professional has prescribed a seizure rescue medication
6725 for the student;

6726 (B) the student's parent ~~[or legal guardian]~~ has previously administered the student's
6727 seizure rescue medication in a nonmedically-supervised setting without a complication; and

6728 (C) the student has previously ceased having full body prolonged or convulsive seizure
6729 activity as a result of receiving the seizure rescue medication;

6730 (ii) describes the specific seizure rescue medication authorized for the student,
6731 including the indicated dose, and instructions for administration;

6732 (iii) requests that the student's public school identify and train school employees who
6733 are willing to volunteer to receive training to administer a seizure rescue medication in
6734 accordance with this section; and

6735 (iv) authorizes a trained school employee volunteer to administer a seizure rescue
6736 medication in accordance with this section.

6737 ~~[(d)]~~ (c) (i) "Seizure rescue medication" means a medication, prescribed by a
6738 prescribing health care professional, to be administered as described in a student's seizure
6739 rescue authorization, while the student experiences seizure activity.

6740 (ii) A seizure rescue medication does not include a medication administered
6741 intravenously or intramuscularly.

6742 ~~[(e)]~~ (d) "Trained school employee volunteer" means an individual who:

6743 (i) is an employee of a public school where at least one student has a seizure rescue
6744 authorization;

6745 (ii) is at least 18 years old; and

6746 (iii) as described in this section:

6747 (A) volunteers to receive training in the administration of a seizure rescue medication;

6748 (B) completes a training program described in this section;

6749 (C) demonstrates competency on an assessment; and

6750 (D) completes annual refresher training each year that the individual intends to remain
6751 a trained school employee volunteer.

6752 (2) (a) The Department of Health shall, with input from the ~~[State Board of Education]~~
6753 state board and a children's hospital, develop a training program for trained school employee
6754 volunteers in the administration of seizure rescue medications that includes:

6755 (i) techniques to recognize symptoms that warrant the administration of a seizure
6756 rescue medication;

6757 (ii) standards and procedures for the storage of a seizure rescue medication;

6758 (iii) procedures, in addition to administering a seizure rescue medication, in the event
6759 that a student requires administration of the seizure rescue medication, including:

6760 (A) calling 911; and

6761 (B) contacting the student's parent [~~or legal guardian~~];

6762 (iv) an assessment to determine if an individual is competent to administer a seizure
6763 rescue medication;

6764 (v) an annual refresher training component; and

6765 (vi) written materials describing the information required under this Subsection (2)(a).

6766 (b) A public school shall retain for reference the written materials described in
6767 Subsection (2)(a)(vi).

6768 (c) The following individuals may provide the training described in Subsection (2)(a):

6769 (i) a school nurse; or

6770 (ii) a licensed health care professional.

6771 (3) (a) A public school shall, after receiving a seizure rescue authorization:

6772 (i) inform school employees of the opportunity to be a school employee volunteer; and

6773 (ii) subject to Subsection (3)(b)(ii), provide training, to each school employee who
6774 volunteers, using the training program described in Subsection (2)(a).

6775 (b) A public school may not:

6776 (i) obstruct the identification or training of a trained school employee volunteer; or

6777 (ii) compel a school employee to become a trained school employee volunteer.

6778 (4) A trained school employee volunteer may possess or store a prescribed rescue
6779 seizure medication, in accordance with this section.

6780 (5) A trained school employee volunteer may administer a seizure rescue medication to
6781 a student with a seizure rescue authorization if:

6782 (a) the student is exhibiting a symptom, described on the student's seizure rescue
6783 authorization, that warrants the administration of a seizure rescue medication; and

6784 (b) a licensed health care professional is not immediately available to administer the
6785 seizure rescue medication.

(6) A trained school employee volunteer who administers a seizure rescue medication shall direct an individual to call 911 and take other appropriate actions in accordance with the training described in Subsection (2).

(7) A trained school employee volunteer who administers a seizure rescue medication in accordance with this section in good faith is not liable in a civil or criminal action for an act taken or not taken under this section.

(8) Section 53G-9-502 does not apply to the administration of a seizure rescue medication.

(9) Section 53G-8-205 does not apply to the possession of a seizure rescue medication in accordance with this section.

(10) (a) The unlawful or unprofessional conduct provisions of Title 58, Occupations and Professions, do not apply to a person licensed as a health care professional under Title 58, Occupations and Professions, including a nurse, physician, or pharmacist for, in good faith, training a nonlicensed school employee who volunteers to administer a seizure rescue medication in accordance with this section.

(b) Allowing a trained school employee volunteer to administer a seizure rescue medication in accordance with this section does not constitute unlawful or inappropriate delegation under Title 58, Occupations and Professions.

Section 182. Section **53G-9-506** is amended to read:

53G-9-506. Diabetes medication -- Possession -- Self-administration.

(1) As used in this section, "diabetes medication" means prescription or nonprescription medication used to treat diabetes, including related medical devices, supplies, and equipment used to treat diabetes.

(2) A public school shall permit a student to possess or possess and self-administer diabetes medication if:

(a) the student's parent [~~or guardian~~] signs a statement:

(i) authorizing the student to possess or possess and self-administer diabetes medication; and

(ii) acknowledging that the student is responsible for, and capable of, possessing or possessing and self-administering the diabetes medication; and

(b) the student's health care provider provides a written statement that states:

(i) it is medically appropriate for the student to possess or possess and self-administer diabetes medication and the student should be in possession of diabetes medication at all times; and

(ii) the name of the diabetes medication prescribed or authorized for the student's use.

(3) The Utah Department of Health, in cooperation with the state superintendent ~~[of public instruction]~~, shall design forms to be used by public schools for the parental and health care provider statements described in Subsection (2).

(4) Section 53G-8-205 does not apply to the possession and self-administration of diabetes medication in accordance with this section.

Section 183. Section **53G-9-601** is amended to read:

53G-9-601. Definitions.

As used in this part:

(1) (a) "Abusive conduct" means verbal, nonverbal, or physical conduct of a parent or student directed toward a school employee that, based on its severity, nature, and frequency of occurrence, a reasonable person would determine is intended to cause intimidation, humiliation, or unwarranted distress.

(b) A single act does not constitute abusive conduct.

(2) "Bullying" means a school employee or student intentionally committing a written, verbal, or physical act against a school employee or student that a reasonable person under the circumstances should know or reasonably foresee will have the effect of:

(a) causing physical or emotional harm to the school employee or student;

(b) causing damage to the school employee's or student's property;

(c) placing the school employee or student in reasonable fear of:

(i) harm to the school employee's or student's physical or emotional well-being; or

(ii) damage to the school employee's or student's property;

(d) creating a hostile, threatening, humiliating, or abusive educational environment due to:

(i) the pervasiveness, persistence, or severity of the actions; or

(ii) a power differential between the bully and the target; or

(e) substantially interfering with a student having a safe school environment that is necessary to facilitate educational performance, opportunities, or benefits.

(3) "Communication" means the conveyance of a message, whether verbal, written, or electronic.

(4) "Cyber-bullying" means using the Internet, a cell phone, or another device to send or post text, video, or an image with the intent or knowledge, or with reckless disregard, that the text, video, or image will hurt, embarrass, or threaten an individual, regardless of whether the individual directed, consented to, or acquiesced in the conduct, or voluntarily accessed the electronic communication.

(5) (a) "Hazing" means a school employee or student intentionally, knowingly, or recklessly committing an act or causing another individual to commit an act toward a school employee or student that:

(i) (A) endangers the mental or physical health or safety of a school employee or student;

(B) involves any brutality of a physical nature, including whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;

(C) involves consumption of any food, alcoholic product, drug, or other substance or other physical activity that endangers the mental or physical health and safety of a school employee or student; or

(D) involves any activity that would subject a school employee or student to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects a school employee or student to extreme embarrassment, shame, or humiliation; and

(ii) (A) is committed for the purpose of initiation into, admission into, affiliation with, holding office in, or as a condition for membership in a school or school sponsored team, organization, program, club, or event; or

(B) is directed toward a school employee or student whom the individual who commits the act knows, at the time the act is committed, is a member of, or candidate for membership in, a school or school sponsored team, organization, program, club, or event in which the individual who commits the act also participates.

(b) The conduct described in Subsection (5)(a) constitutes hazing, regardless of whether the school employee or student against whom the conduct is committed directed, consented to, or acquiesced in, the conduct.

6879 (6) "LEA governing board" means a local school board or charter school governing
6880 board.

6881 ~~[(6)]~~ (7) "Policy" means ~~[a school]~~ an LEA governing board policy described in
6882 Section 53G-9-605.

6883 ~~[(7)]~~ (8) "Retaliate" means an act or communication intended:

6884 (a) as retribution against a person for reporting bullying or hazing; or

6885 (b) to improperly influence the investigation of, or the response to, a report of bullying
6886 or hazing.

6887 ~~[(8)]~~ (9) "School" means a public elementary or secondary school, including a charter
6888 school.

6889 ~~[(9) "School board" means:]~~

6890 ~~[(a) a local school board; or]~~

6891 ~~[(b) a charter school governing board.]~~

6892 (10) "School employee" means an individual working in the individual's official
6893 capacity as:

6894 (a) a school teacher;

6895 (b) a school staff member;

6896 (c) a school administrator; or

6897 (d) an individual:

6898 (i) who is employed, directly or indirectly, by a school, ~~[school board]~~ an LEA
6899 governing board, or a school district; and

6900 (ii) who works on a school campus.

6901 Section 184. Section **53G-9-604** is amended to read:

6902 **53G-9-604. Parental notification of certain incidents and threats required.**

6903 ~~[(1) For purposes of this section, "parent" includes a student's guardian.]~~

6904 ~~[(2)]~~ (1) A school shall:

6905 (a) notify a parent if the parent's student threatens to commit suicide; or

6906 (b) notify the parents of each student involved in an incident of bullying,

6907 cyber-bullying, hazing, abusive conduct, or retaliation of the incident involving each parent's
6908 student.

6909 ~~[(3)]~~ (2) (a) If a school notifies a parent of an incident or threat required to be reported

under Subsection ~~[(2)]~~ (1), the school shall produce and maintain a record that verifies that the parent was notified of the incident or threat.

(b) A school shall maintain a record described in Subsection ~~[(3)]~~ (2)(a) in accordance with the requirements of:

(i) Title 53E, Chapter 9, Part 2, Student Privacy;

(ii) Title 53E, Chapter 9, Part 3, Student Data Protection;

(iii) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; and

(iv) 34 C.F.R. Part 99.

~~[(4)]~~ (3) A local school board or charter school governing board shall adopt a policy regarding the process for:

(a) notifying a parent as required in Subsection ~~[(2)]~~ (1); and

(b) producing and retaining a record that verifies that a parent was notified of an incident or threat as required in Subsection ~~[(3)]~~ (2).

~~[(5)]~~ (4) At the request of a parent, a school may provide information and make recommendations related to an incident or threat described in Subsection ~~[(2)]~~ (1).

~~[(6)]~~ (5) A school shall:

(a) provide a student a copy of a record maintained in accordance with this section that relates to the student if the student requests a copy of the record; and

(b) expunge a record maintained in accordance with this section that relates to a student if the student:

(i) has graduated from high school; and

(ii) requests the record be expunged.

Section 185. Section **53G-9-605** is amended to read:

53G-9-605. Bullying, cyber-bullying, hazing, abusive conduct, and retaliation policy.

(1) On or before September 1, 2018, ~~[a school]~~ an LEA governing board shall update the ~~[school]~~ LEA governing board's bullying, cyber-bullying, hazing, and retaliation policy to include abusive conduct.

(2) A policy shall:

(a) be developed only with input from:

(i) students;

6941 (ii) parents;
6942 (iii) teachers;
6943 (iv) school administrators;
6944 (v) school staff; or
6945 (vi) local law enforcement agencies; and
6946 (b) provide protection to a student, regardless of the student's legal status.
6947 (3) A policy shall include the following components:
6948 (a) definitions of bullying, cyber-bullying, hazing, and abusive conduct that are
6949 consistent with this part;
6950 (b) language prohibiting bullying, cyber-bullying, hazing, and abusive conduct;
6951 (c) language prohibiting retaliation against an individual who reports conduct that is
6952 prohibited under this part;
6953 (d) language prohibiting making a false report of bullying, cyber-bullying, hazing,
6954 abusive conduct, or retaliation;
6955 (e) as required in Section 53G-9-604, parental notification of:
6956 (i) a student's threat to commit suicide; and
6957 (ii) an incident of bullying, cyber-bullying, hazing, abusive conduct, or retaliation,
6958 involving the parent's student;
6959 (f) a grievance process for a school employee who has experienced abusive conduct;
6960 (g) an action plan to address a reported incident of bullying, cyber-bullying, hazing, or
6961 retaliation; and
6962 (h) a requirement for a signed statement annually, indicating that the individual signing
6963 the statement has received the [school] LEA governing board's policy, from each:
6964 (i) school employee;
6965 (ii) student who is at least eight years old; and
6966 (iii) parent [~~or guardian~~] of a student enrolled in the charter school or school district.
6967 (4) A copy of a policy shall be:
6968 (a) included in student conduct handbooks;
6969 (b) included in employee handbooks; and
6970 (c) provided to a parent [~~or a guardian~~] of a student enrolled in the charter school or
6971 school district[~~; and~~].

6972 ~~[(d) distributed to parents.]~~

6973 (5) A policy may not permit formal disciplinary action that is based solely on an
6974 anonymous report of bullying, cyber-bullying, hazing, abusive conduct, or retaliation.

6975 (6) Nothing in this part is intended to infringe upon the right of a school employee,
6976 parent, or student to exercise the right of free speech.

6977 Section 186. Section **53G-9-606** is amended to read:

6978 **53G-9-606. Model policy and state board duties.**

6979 (1) On or before September 1, 2018, the ~~[State Board of Education]~~ state board shall:

6980 (a) update the ~~[State Board of Education's]~~ state board's model policy on bullying,
6981 cyber-bullying, hazing, and retaliation to include abusive conduct; and

6982 (b) post the model policy described in Subsection (1)(a) on the ~~[State Board of~~
6983 ~~Education]~~ state board's website.

6984 (2) The ~~[State Board of Education]~~ state board shall require a ~~[school]~~ an LEA
6985 governing board to report annually to the ~~[State Board of Education]~~ state board on:

6986 (a) the ~~[school]~~ LEA governing board's policy, including implementation of the signed
6987 statement requirement described in Subsection 53G-9-605(3)~~[(g)]~~;

6988 (b) the ~~[school]~~ LEA governing board's training of school employees relating to
6989 bullying, cyber-bullying, hazing, and retaliation described in Section 53G-9-607; and

6990 (c) other information related to this part, as determined by the ~~[State Board of~~
6991 ~~Education]~~ state board.

6992 Section 187. Section **53G-9-607** is amended to read:

6993 **53G-9-607. Training, education, and prevention -- Standards.**

6994 (1) (a) ~~[A school]~~ An LEA governing board shall include in the training of a school
6995 employee training regarding bullying, cyber-bullying, hazing, abusive conduct, and retaliation
6996 that meets the standards described in Subsection (4).

6997 (b) ~~[A school]~~ An LEA governing board may offer voluntary training to parents and
6998 students regarding abusive conduct.

6999 (2) To the extent that state or federal funding is available for this purpose, ~~[school]~~
7000 LEA governing boards are encouraged to implement programs or initiatives, in addition to the
7001 training described in Subsection (1), to provide for training and education regarding, and the
7002 prevention of, bullying, hazing, abusive conduct, and retaliation.

(3) The programs or initiatives described in Subsection (2) may involve:

(a) the establishment of a bullying task force; or

(b) the involvement of school employees, students, or law enforcement.

(4) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ The state board shall make rules that establish standards for high quality training related to bullying, cyber-bullying, hazing, abusive conduct, and retaliation.

Section 188. Section **53G-9-702** is amended to read:

53G-9-702. Youth suicide prevention programs required in secondary schools -- State board to develop model programs -- Reporting requirements.

(1) As used in the section:

~~[(a) "Board" means the State Board of Education.]~~

~~[(b)]~~ (a) "Intervention" means an effort to prevent a student from attempting suicide.

~~[(c)]~~ (b) "Postvention" means mental health intervention after a suicide attempt or death to prevent or contain contagion.

~~[(d)]~~ (c) "Program" means a youth suicide prevention program described in Subsection (2).

~~[(e)]~~ (d) "Public education suicide prevention coordinator" means an individual designated by the state board as described in Subsection (3).

~~[(f)]~~ (e) "Secondary grades":

(i) means grades 7 through 12; and

(ii) if a middle or junior high school includes grade 6, includes grade 6.

~~[(g)]~~ (f) "State suicide prevention coordinator" means the state suicide prevention coordinator described in Section 62A-15-1101.

(2) In collaboration with the public education suicide prevention coordinator, a school district or charter school, in the secondary grades of the school district or charter school, shall implement a youth suicide prevention program, which, in collaboration with the training, programs, and initiatives described in Section 53G-9-607, shall include programs and training to address:

(a) bullying and cyberbullying, as those terms are defined in Section 53G-9-601;

(b) prevention of youth suicide;

(c) youth suicide intervention;

7034 (d) postvention for family, students, and faculty;
7035 (e) underage drinking of alcohol;
7036 (f) methods of strengthening the family; and
7037 (g) methods of strengthening a youth's relationships in the school and community.
7038 (3) The state board shall:
7039 (a) designate a public education suicide prevention coordinator; and
7040 (b) in collaboration with the Department of Health and the state suicide prevention
7041 coordinator, develop model programs to provide to school districts and charter schools:
7042 (i) program training; and
7043 (ii) resources regarding the required components described in Subsection (2)(b).
7044 (4) The public education suicide prevention coordinator shall:
7045 (a) oversee the youth suicide prevention programs of school districts and charter
7046 schools;
7047 (b) coordinate prevention and postvention programs, services, and efforts with the state
7048 suicide prevention coordinator; and
7049 (c) award grants in accordance with Section 53F-5-206.
7050 (5) A public school suicide prevention program may allow school personnel to ask a
7051 student questions related to youth suicide prevention, intervention, or postvention.
7052 (6) (a) Subject to legislative appropriation, the state board may distribute money to a
7053 school district or charter school to be used to implement evidence-based practices and
7054 programs, or emerging best practices and programs, for preventing suicide in the school district
7055 or charter school.
7056 (b) The state board shall distribute money under Subsection (6)(a) so that each school
7057 that enrolls students in grade 7 or a higher grade receives an allocation of at least \$1,000.
7058 (c) (i) A school shall use money allocated to the school under Subsection (6)(b) to
7059 implement evidence-based practices and programs, or emerging best practices and programs,
7060 for preventing suicide.
7061 (ii) Each school may select the evidence-based practices and programs, or emerging
7062 best practices and programs, for preventing suicide that the school implements.
7063 (7) (a) The state board shall provide a written report, and shall orally report to the
7064 Legislature's Education Interim Committee, by the October 2015 meeting, jointly with the

7065 public education suicide prevention coordinator and the state suicide prevention coordinator,
7066 on:

7067 (i) the progress of school district and charter school youth suicide prevention programs,
7068 including rates of participation by school districts, charter schools, and students;

7069 (ii) the state board's coordination efforts with the Department of Health and the state
7070 suicide prevention coordinator;

7071 (iii) the public education suicide prevention coordinator's model program for training
7072 and resources related to youth suicide prevention, intervention, and postvention;

7073 (iv) data measuring the effectiveness of youth suicide programs;

7074 (v) funds appropriated to each school district and charter school for youth suicide
7075 prevention programs; and

7076 (vi) five-year trends of youth suicides per school, school district, and charter school.

7077 (b) School districts and charter schools shall provide to the state board information that
7078 is necessary for the state board's report to the Legislature's Education Interim Committee as
7079 required in Subsection (7)(a).

7080 Section 189. Section **53G-9-703** is amended to read:

7081 **53G-9-703. Parent education -- Mental health -- Bullying -- Safety.**

7082 (1) (a) Except as provided in Subsection (4), a school district shall offer a seminar for
7083 parents of students in the school district that:

7084 (i) is offered at no cost to parents;

7085 (ii) begins at or after 6 p.m.;

7086 (iii) is held in at least one school located in the school district; and

7087 (iv) covers the topics described in Subsection (2).

7088 (b) (i) A school district shall annually offer one parent seminar for each 11,000
7089 students enrolled in the school district.

7090 (ii) Notwithstanding Subsection (1)(b)(i), a school district may not be required to offer
7091 more than three seminars.

7092 (c) A school district may:

7093 (i) develop its own curriculum for the seminar described in Subsection (1)(a); or

7094 (ii) use the curriculum developed by the [~~State Board of Education~~] state board under
7095 Subsection (2).

(d) A school district shall notify each charter school located in the attendance boundaries of the school district of the date and time of a parent seminar, so the charter school may inform parents of the seminar.

(2) The [~~State Board of Education~~] state board shall:

(a) develop a curriculum for the parent seminar described in Subsection (1) that includes information on:

(i) substance abuse, including illegal drugs and prescription drugs and prevention;

(ii) bullying;

(iii) mental health, depression, suicide awareness, and suicide prevention, including education on limiting access to fatal means;

(iv) Internet safety, including pornography addiction; and

(v) the School Safety and Crisis Line established in Section 53E-10-502; and

(b) provide the curriculum, including resources and training, to school districts upon request.

(3) The [~~State Board of Education~~] state board shall report to the Legislature's Education Interim Committee, by the October 2015 meeting, on:

(a) the progress of implementation of the parent seminar;

(b) the number of parent seminars conducted in each school district;

(c) the estimated attendance reported by each school district;

(d) a recommendation of whether to continue the parent seminar program; and

(e) if a local school board has opted out of providing the parent seminar, as described in Subsection (4), the reasons why a local school board opted out.

(4) (a) A school district is not required to offer the parent seminar if the local school board determines that the topics described in Subsection (2) are not of significant interest or value to families in the school district.

(b) If a local school board chooses not to offer the parent seminar, the local school board shall notify the [~~State Board of Education~~] state board and provide the reasons why the local school board chose not to offer the parent seminar.

Section 190. Section **53G-9-704** is amended to read:

53G-9-704. Youth suicide prevention training for employees.

(1) A school district or charter school shall require a licensed employee to complete a

7127 minimum of two hours of professional development training on youth suicide prevention every
7128 three years.

7129 (2) The state board shall:

7130 (a) develop or adopt sample materials to be used by a school district or charter school
7131 for professional development training on youth suicide prevention; and

7132 (b) ~~[in rule made in accordance with Title 63G, Chapter 3, Utah Administrative~~
7133 ~~Rulemaking Act,]~~ incorporate in rule the training described in Subsection (1) into professional
7134 development training described in Section 53E-6-201.

7135 Section 191. Section **53G-9-801** is amended to read:

7136 **53G-9-801. Definitions.**

7137 As used in Section 53G-9-802:

7138 (1) "Attainment goal" means earning:

7139 (a) a high school diploma;

7140 (b) a Utah High School Completion Diploma, as defined in ~~[State Board of Education]~~

7141 state board rule;

7142 (c) an Adult Education Secondary Diploma, as defined in ~~[State Board of Education]~~

7143 state board rule; or

7144 (d) an employer-recognized, industry-based certificate that is:

7145 (i) likely to result in job placement; and

7146 (ii) included in the ~~[State Board of Education's]~~ state board's approved career and
7147 technical education industry certification list.

7148 (2) "Cohort" means a group of students, defined by the year in which the group enters
7149 grade 9.

7150 (3) "Designated student" means a student:

7151 (a) (i) who has withdrawn from an LEA before earning a diploma;

7152 (ii) who has been dropped from average daily membership; and

7153 (iii) whose cohort has not yet graduated; or

7154 (b) who is at risk of meeting the criteria described in Subsection (3)(a), as determined
7155 by the student's LEA, using risk factors defined in rules made by the ~~[State Board of Education~~
7156 ~~in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~ state board.

7157 (4) "Graduation rate" means:

(a) for a school district or a charter school that includes grade 12, the graduation rate calculated by the [~~State Board of Education~~] state board for federal accountability and reporting purposes; or

(b) for a charter school that does not include grade 12, a proxy graduation rate defined in rules made by the [~~State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act~~] state board.

(5) "Local education agency" or "LEA" means a school district or charter school that serves students in grade 9, 10, 11, or 12.

(6) "Nontraditional program" means a program, as defined in rules made by the [~~State Board of Education~~] state board under Subsection 53E-3-501(1)(e), in which a student receives instruction through:

(a) distance learning;

(b) online learning;

(c) blended learning; or

(d) competency-based learning.

(7) "Statewide graduation rate" means:

(a) for a school district or a charter school that includes grade 12, the statewide graduation rate, as annually calculated by the [~~State Board of Education~~] state board; or

(b) for a charter school that does not include grade 12, the average graduation rate for all charter schools that do not include grade 12.

(8) "Third party" means:

(a) a private provider; or

(b) an LEA that does not meet the criteria described in Subsection 53G-9-802(3).

Section 192. Section **53G-9-802** is amended to read:

53G-9-802. Dropout prevention and recovery -- Flexible enrollment options -- Contracting -- Reporting.

(1) (a) Subject to Subsection (1)(b), an LEA shall provide dropout prevention and recovery services to a designated student, including:

(i) engaging with or attempting to recover a designated student;

(ii) developing a learning plan, in consultation with a designated student, to identify:

(A) barriers to regular school attendance and achievement;

7189 (B) an attainment goal; and
7190 (C) a means for achieving the attainment goal through enrollment in one or more of the
7191 programs described in Subsection (2);
7192 (iii) monitoring a designated student's progress toward reaching the designated
7193 student's attainment goal; and
7194 (iv) providing tiered interventions for a designated student who is not making progress
7195 toward reaching the student's attainment goal.
7196 (b) An LEA shall provide the dropout prevention and recovery services described in
7197 Subsection (1)(a):
7198 (i) throughout the calendar year; and
7199 (ii) except as provided in Subsection (1)(c)(i), for each designated student who
7200 becomes a designated student while enrolled in the LEA.
7201 (c) (i) A designated student's school district of residence shall provide dropout recovery
7202 services if the designated student:
7203 (A) was enrolled in a charter school that does not include grade 12; and
7204 (B) becomes a designated student in the summer after the student completes academic
7205 instruction at the charter school through the maximum grade level the charter school is eligible
7206 to serve under the charter school's charter agreement as described in Section 53G-5-303.
7207 (ii) In accordance with Subsection (1)(c)(iii), a charter school that does not include
7208 grade 12 shall notify each of the charter school's student's district of residence, as determined
7209 under Section 53G-6-302, when the student completes academic instruction at the charter
7210 school as described in Subsection (1)(c)(i)(B).
7211 (iii) The notification described in Subsection (1)(c)(ii) shall include the student's name,
7212 contact information, and student identification number.
7213 (2) (a) An LEA shall provide flexible enrollment options for a designated student that:
7214 (i) are tailored to the designated student's learning plan developed under Subsection
7215 (1)(a)(ii); and
7216 (ii) include two or more of the following:
7217 (A) enrollment in the LEA in a traditional program;
7218 (B) enrollment in the LEA in a nontraditional program;
7219 (C) enrollment in a program offered by a private provider that has entered into a

7220 contract with the LEA to provide educational services; or
7221 (D) enrollment in a program offered by another LEA.
7222 (b) A designated student may enroll in:
7223 (i) a program offered by the LEA under Subsection (2)(a), in accordance with this
7224 public education code, rules established by the [~~State Board of Education~~] state board, and
7225 policies established by the LEA;
7226 (ii) the Electronic High School, in accordance with Title 53E, Chapter 10, Part 6,
7227 Electronic High School; or
7228 (iii) the Statewide Online Education Program, in accordance with Title 53F, Chapter 4,
7229 Part 5, Statewide Online Education Program.
7230 (c) An LEA shall make the LEA's best effort to accommodate a designated student's
7231 choice of enrollment under Subsection (2)(b).
7232 (3) Beginning with the 2017-18 school year and except as provided in Subsection (4),
7233 an LEA shall enter into a contract with a third party to provide the dropout prevention and
7234 recovery services described in Subsection (1)(a) for any school year in which the LEA meets
7235 the following criteria:
7236 (a) the LEA's graduation rate is lower than the statewide graduation rate; and
7237 (b) (i) the LEA's graduation rate has not increased by at least 1% on average over the
7238 previous three school years; or
7239 (ii) during the previous calendar year, at least 10% of the LEA's designated students
7240 have not:
7241 (A) reached the students' attainment goals; or
7242 (B) made a year's worth of progress toward the students' attainment goals.
7243 (4) An LEA that is in the LEA's first three years of operation is not subject to the
7244 requirement described in Subsection (3).
7245 (5) An LEA described in Subsection (3) shall ensure that:
7246 (a) a third party with whom the LEA enters into a contract under Subsection (3) has a
7247 demonstrated record of effectiveness engaging with and recovering designated students; and
7248 (b) a contract with a third party requires the third party to:
7249 (i) provide the services described in Subsection (1)(a); and
7250 (ii) regularly report progress to the LEA.

(6) An LEA shall annually submit a report to the [~~State Board of Education~~] state board on dropout prevention and recovery services provided under this section, including:

(a) the methods the LEA or third party uses to engage with or attempt to recover designated students under Subsection (1)(a)(i);

(b) the number of designated students who enroll in a program described in Subsection (2) as a result of the efforts described in Subsection (6)(a);

(c) the number of designated students who reach the designated students' attainment goals identified under Subsection (1)(a)(ii)(B); and

(d) funding allocated to provide dropout prevention and recovery services.

(7) The [~~State Board of Education~~] state board shall:

(a) ensure that an LEA described in Subsection (3) contracts with a third party to provide dropout prevention and recovery services in accordance with Subsections (3) and (5); and

(b) on or before October 30, 2017, and each year thereafter, report to the Education Interim Committee on the provisions of this section, including a summary of the reports submitted under Subsection (6).

Section 193. Section **53G-9-803** is amended to read:

53G-9-803. Remediation programs for secondary students.

(1) For purposes of this section:

(a) "Secondary school" means a school that provides instruction to students in grades 7, 8, 9, 10, 11, or 12.

(b) "Secondary school student":

(i) means a student enrolled in a secondary school; and

(ii) includes a student in grade 6 if the student attends a secondary school.

(2) A school district or charter school shall implement programs for secondary school students to attain the competency levels and graduation requirements established by the [~~State Board of Education~~] state board.

(3) (a) A school district or charter school shall establish remediation programs for secondary school students who do not meet competency levels in English, mathematics, science, or social studies.

(b) Participation in the programs is mandatory for secondary school students who fail

to meet the competency levels based on classroom performance.

(4) Secondary school students who require remediation under this section may not be advanced to the following class in subject sequences until they meet the required competency level for the subject or complete the required remediation program, except that a school district or charter school may allow secondary school students requiring remediation who would otherwise be scheduled to enter their first year of high school to complete their remediation program during that first year.

(5) (a) Remediation programs provided under this section should not be unnecessarily lengthy or repetitive.

(b) A secondary school student need not repeat an entire class if remediation can reasonably be achieved through other means.

(6) A school district or charter school may charge secondary school students a fee to participate in the remediation programs.

Section 194. Section **53G-10-202** is amended to read:

53G-10-202. Maintaining constitutional freedom in the public schools.

(1) Any instructional activity, performance, or display which includes examination of or presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history, or any other element of the curriculum, including the comparative study of religions, which is designed to achieve secular educational objectives included within the context of a course or activity and conducted in accordance with applicable rules or policies of the state and ~~[local boards of education]~~ LEA governing boards, may be undertaken in the public schools.

(2) No aspect of cultural heritage, political theory, moral theory, or societal value shall be included within or excluded from public school curricula for the primary reason that it affirms, ignores, or denies religious belief, religious doctrine, a religious sect, or the existence of a spiritual realm or supreme being.

(3) Public schools may not sponsor prayer or religious devotionals.

(4) School officials and employees may not use their positions to endorse, promote, or disparage a particular religious, denominational, sectarian, agnostic, or atheistic belief or viewpoint.

Section 195. Section **53G-10-204** is amended to read:

53G-10-204. Civic and character education -- Definitions -- Legislative finding -- Elements -- Reporting requirements.

(1) As used in this section:

(a) "Character education" means reaffirming values and qualities of character which promote an upright and desirable citizenry.

(b) "Civic education" means the cultivation of informed, responsible participation in political life by competent citizens committed to the fundamental values and principles of representative democracy in Utah and the United States.

(c) "Values" means time-established principles or standards of worth.

(2) The Legislature recognizes that:

(a) Civic and character education are fundamental elements of the public education system's core mission as originally intended and established under Article X of the Utah Constitution;

(b) Civic and character education are fundamental elements of the constitutional responsibility of public education and shall be a continuing emphasis and focus in public schools;

(c) the cultivation of a continuing understanding and appreciation of a constitutional republic and principles of representative democracy in Utah and the United States among succeeding generations of educated and responsible citizens is important to the nation and state;

(d) the primary responsibility for the education of children within the state resides with their parents [~~or guardians~~] and that the role of state and local governments is to support and assist parents in fulfilling that responsibility;

(e) public schools fulfill a vital purpose in the preparation of succeeding generations of informed and responsible citizens who are deeply attached to essential democratic values and institutions; and

(f) the happiness and security of American society relies upon the public virtue of its citizens which requires a united commitment to a moral social order where self-interests are willingly subordinated to the greater common good.

(3) Through an integrated curriculum, students shall be taught in connection with regular school work:

7344 (a) honesty, integrity, morality, civility, duty, honor, service, and obedience to law;

7345 (b) respect for and an understanding of the Declaration of Independence and the

7346 constitutions of the United States and of the state of Utah;

7347 (c) Utah history, including territorial and preterritorial development to the present;

7348 (d) the essentials and benefits of the free enterprise system;

7349 (e) respect for parents, home, and family;

7350 (f) the dignity and necessity of honest labor; and

7351 (g) other skills, habits, and qualities of character which will promote an upright and

7352 desirable citizenry and better prepare students to recognize and accept responsibility for

7353 preserving and defending the blessings of liberty inherited from prior generations and secured

7354 by the constitution.

7355 (4) Local school boards and school administrators may provide training, direction, and

7356 encouragement, as needed, to accomplish the intent and requirements of this section and to

7357 effectively emphasize civic and character education in the course of regular instruction in the

7358 public schools.

7359 (5) Civic and character education in public schools are:

7360 (a) not intended to be separate programs in need of special funding or added specialists

7361 to be accomplished; and

7362 (b) core principles which reflect the shared values of the citizens of Utah and the

7363 founding principles upon which representative democracy in the United States and the state of

7364 Utah are based.

7365 (6) To assist the Commission on Civic and Character Education in fulfilling the

7366 commission's duties under Section 67-1a-11, by December 30 of each year, each school district

7367 and the State Charter School Board shall submit to the lieutenant governor and the commission

7368 a report summarizing how civic and character education are achieved in the school district or

7369 charter schools through an integrated school curriculum and in the regular course of school

7370 work as provided in this section.

7371 (7) Each year, the [~~State Board of Education~~] state board shall report to the Education

7372 Interim Committee, on or before the October meeting, the methods used, and the results being

7373 achieved, to instruct and prepare students to become informed and responsible citizens through

7374 an integrated curriculum taught in connection with regular school work as required in this

7375 section.

7376 Section 196. Section **53G-10-205** is amended to read:

7377 **53G-10-205. Waivers of participation.**

7378 (1) As used in this section[:(a) "~~Parent~~" means a parent or legal guardian.(b)
7379 "~~School~~"], "school" means a public school.

7380 (2) If a parent of a student, or a secondary student, determines that the student's
7381 participation in a portion of the curriculum or in an activity would require the student to affirm
7382 or deny a religious belief or right of conscience, or engage or refrain from engaging in a
7383 practice forbidden or required in the exercise of a religious right or right of conscience, the
7384 parent or the secondary student may request:

7385 (a) a waiver of the requirement to participate; or

7386 (b) a reasonable alternative that requires reasonably equivalent performance by the
7387 student of the secular objectives of the curriculum or activity in question.

7388 (3) The school shall promptly notify a student's parent if the secondary student makes a
7389 request under Subsection (2).

7390 (4) If a request is made under Subsection (2), the school shall:

7391 (a) waive the participation requirement;

7392 (b) provide a reasonable alternative to the requirement; or

7393 (c) notify the requesting party that participation is required.

7394 (5) The school shall ensure that the provisions of Subsection 53G-10-203(3) are met in
7395 connection with any required participation under Subsection (4)(c).

7396 (6) A student's academic or citizenship performance may not be penalized if the
7397 secondary student or the student's parent chooses to exercise a religious right or right of
7398 conscience in accordance with the provisions of this section.

7399 Section 197. Section **53G-10-302** is amended to read:

7400 **53G-10-302. Instruction in American history and government -- Study and**
7401 **posting of American heritage documents.**

7402 (1) The Legislature recognizes that a proper understanding of American history and
7403 government is essential to good citizenship, and that the public schools are the primary public
7404 institutions charged with responsibility for assisting children and youth in gaining that
7405 understanding.

7406 (2) (a) The [~~State Board of Education~~] state board and local school boards shall
7407 periodically review school curricula and activities to ensure that effective instruction in
7408 American history and government is taking place in the public schools.

7409 (b) The boards shall solicit public input as part of the review process.

7410 (c) Instruction in American history and government shall include a study of:

7411 (i) forms of government, such as a republic, a pure democracy, a monarchy, and an
7412 oligarchy;

7413 (ii) political philosophies and economic systems, such as socialism, individualism, and
7414 free market capitalism; and

7415 (iii) the United States' form of government, a compound constitutional republic.

7416 (3) School curricula and activities shall include a thorough study of historical
7417 documents such as:

7418 (a) the Declaration of Independence;

7419 (b) the United States Constitution;

7420 (c) the national motto;

7421 (d) the pledge of allegiance;

7422 (e) the national anthem;

7423 (f) the Mayflower Compact;

7424 (g) the writings, speeches, documents, and proclamations of the Founders and the
7425 Presidents of the United States;

7426 (h) organic documents from the pre-Colonial, Colonial, Revolutionary, Federalist, and
7427 post Federalist eras;

7428 (i) United States Supreme Court decisions;

7429 (j) Acts of the United States Congress, including the published text of the
7430 Congressional Record; and

7431 (k) United States treaties.

7432 (4) To increase student understanding of, and familiarity with, American historical
7433 documents, public schools may display historically important excerpts from, or copies of, those
7434 documents in school classrooms and common areas as appropriate.

7435 (5) There shall be no content-based censorship of American history and heritage
7436 documents referred to in this section due to their religious or cultural nature.

(6) Public schools shall display "In God we trust," which is declared in 36 U.S.C. 302 to be the national motto of the United States, in one or more prominent places within each school building.

Section 198. Section **53G-10-303** is amended to read:

53G-10-303. Teaching of American sign language.

(1) The Legislature recognizes that American sign language is a fully developed, autonomous, natural language with distinct grammar, syntax, and art forms.

(2) American sign language shall be accorded equal status with other linguistic systems in the state's public and higher education systems.

(3) The ~~[State Board of Education]~~ state board, in consultation with the state's school districts and members of the deaf and hard of hearing community, shall develop and implement policies and procedures for the teaching of American sign language in the state's public education system at least at the middle school or high school level.

(4) A student may count credit received for completion of a course in American sign language at the middle school or high school level toward the satisfaction of a foreign language requirement in the public education system under rules made by the ~~[State Board of Education]~~ state board.

(5) The State Board of Regents, in consultation with the state's public institutions of higher education and members of the state's deaf and hard of hearing community, shall develop and implement policies and procedures for offering instruction in American sign language in the state's system of higher education.

(6) The Joint Liaison Committee, in consultation with members of the state's deaf and hard of hearing community, shall review any policies and procedures developed under this section and make recommendations to either or both boards regarding the policies.

Section 199. Section **53G-10-304** is amended to read:

53G-10-304. Instruction on the flag of the United States of America.

(1) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ The state board shall provide by rule for a program of instruction within the public schools relating to the flag of the United States.

(2) The instruction shall include the history of the flag, etiquette, customs pertaining to the display and use of the flag, and other patriotic exercises as provided by 4 U.S.C. Secs. 1 to

10.

(3) (a) The pledge of allegiance to the flag shall be recited once at the beginning of each day in each public school classroom in the state, led by a student in the classroom, as assigned by the classroom teacher on a rotating basis.

(b) Each student shall be informed by posting a notice in a conspicuous place that the student has the right not to participate in reciting the pledge.

(c) A student shall be excused from reciting the pledge upon written request from the student's parent [~~or legal guardian~~].

(d) (i) At least once a year students shall be instructed that:

(A) participation in the pledge of allegiance is voluntary and not compulsory; and

(B) not only is it acceptable for someone to choose not to participate in the pledge of allegiance for religious or other reasons, but students should show respect for any student who chooses not to participate.

(ii) A public school teacher shall strive to maintain an atmosphere among students in the classroom that is consistent with the principles described in Subsection (3)(d)(i).

Section 200. Section **53G-10-305** is amended to read:

53G-10-305. Financial education information.

A public school shall provide the following to the parents [~~or guardian~~] of a kindergarten student during kindergarten enrollment:

(1) a financial and economic literacy passport, as defined in Section 53E-3-505; and

(2) information about higher education savings options, including information about opening a Utah Educational Savings Plan account.

Section 201. Section **53G-10-402** is amended to read:

53G-10-402. Instruction in health -- Parental consent requirements -- Conduct and speech of school employees and volunteers -- Political and religious doctrine prohibited.

(1) As used in this section:

~~[(a) "Board" means the State Board of Education;]~~

~~[(b) "Local school board" means:]~~

~~[(i) a local board of education elected in accordance with Section 53G-4-201; or]~~

~~[(ii) a charter school governing board, as defined in Section 53G-5-102;]~~

7499 ~~[(c) "Parent" means a parent or legal guardian.]~~

7500 (a) "LEA governing board" means a local school board or charter school governing
7501 board.

7502 ~~[(d)]~~ (b) "Refusal skills" means instruction:

7503 (i) in a student's ability to clearly and expressly refuse sexual advances by a minor or
7504 adult;

7505 (ii) in a student's obligation to stop the student's sexual advances if refused by another
7506 individual;

7507 (iii) informing a student of the student's right to report and seek counseling for
7508 unwanted sexual advances;

7509 (iv) in sexual harassment; and

7510 (v) informing a student that a student may not consent to criminally prohibited
7511 activities or activities for which the student is legally prohibited from giving consent, including
7512 the electronic transmission of sexually explicit images by an individual of the individual or
7513 another.

7514 (2) (a) The state board shall establish curriculum requirements under Section
7515 53E-3-501 that include instruction in:

7516 (i) community and personal health;

7517 (ii) physiology;

7518 (iii) personal hygiene;

7519 (iv) prevention of communicable disease;

7520 (v) refusal skills; and

7521 (vi) the harmful effects of pornography.

7522 (b) (i) That instruction shall stress:

7523 (A) the importance of abstinence from all sexual activity before marriage and fidelity
7524 after marriage as methods for preventing certain communicable diseases; and

7525 (B) personal skills that encourage individual choice of abstinence and fidelity.

7526 (ii) (A) At no time may instruction be provided, including responses to spontaneous
7527 questions raised by students, regarding any means or methods that facilitate or encourage the
7528 violation of any state or federal criminal law by a minor or an adult.

7529 (B) Subsection (2)(b)(ii)(A) does not preclude an instructor from responding to a

7530 spontaneous question as long as the response is consistent with the provisions of this section.

7531 (c) (i) The state board shall recommend instructional materials for use in the curricula
7532 required under Subsection (2)(a) after considering evaluations of instructional materials by the
7533 State Instructional Materials Commission.

7534 (ii) [~~A local school~~] An LEA governing board may choose to adopt:

7535 (A) the instructional materials recommended under Subsection (2)(c)(i); or

7536 (B) other instructional materials as provided in state board rule.

7537 (iii) The state board rule made under Subsection (2)(c)(ii)(B) shall include, at a
7538 minimum:

7539 (A) that the materials adopted by [~~a local school~~] an LEA governing board under
7540 Subsection (2)(c)(ii)(B) shall be based upon recommendations of the school district's or charter
7541 school's Curriculum Materials Review Committee that comply with state law and state board
7542 rules emphasizing abstinence before marriage and fidelity after marriage, and prohibiting
7543 instruction in:

7544 (I) the intricacies of intercourse, sexual stimulation, or erotic behavior;

7545 (II) the advocacy of premarital or extramarital sexual activity; or

7546 (III) the advocacy or encouragement of the use of contraceptive methods or devices;

7547 (B) that the adoption of instructional materials shall take place in an open and regular
7548 meeting of the [~~local school~~] LEA governing board for which prior notice is given to parents of
7549 students attending the respective schools and an opportunity for parents to express their views
7550 and opinions on the materials at the meeting;

7551 (C) provision for an appeal and review process of the [~~local school~~] LEA governing
7552 board's decision; and

7553 (D) provision for a report by the [~~local school~~] LEA governing board to the state board
7554 of the action taken and the materials adopted by the [~~local school~~] LEA governing board under
7555 Subsections (2)(c)(ii)(B) and (2)(c)(iii).

7556 (3) (a) A student shall receive instruction in the courses described in Subsection (2) on
7557 at least two occasions during the period that begins with the beginning of grade 8 and the end
7558 of grade 12.

7559 (b) At the request of the state board, the Department of Health shall cooperate with the
7560 state board in developing programs to provide instruction in those areas.

7561 (4) (a) The state board shall adopt rules that:

7562 (i) provide that the parental consent requirements of Sections 76-7-322 and 76-7-323
7563 are complied with; and

7564 (ii) require a student's parent to be notified in advance and have an opportunity to
7565 review the information for which parental consent is required under Sections 76-7-322 and
7566 76-7-323.

7567 (b) The state board shall also provide procedures for disciplinary action for violation of
7568 Section 76-7-322 or 76-7-323.

7569 (5) (a) In keeping with the requirements of Section 53G-10-204, and because school
7570 employees and volunteers serve as examples to their students, school employees or volunteers
7571 acting in their official capacities may not support or encourage criminal conduct by students,
7572 teachers, or volunteers.

7573 (b) To ensure the effective performance of school personnel, the limitations described
7574 in Subsection (5)(a) also apply to a school employee or volunteer acting outside of the school
7575 employee's or volunteer's official capacities if:

7576 (i) the employee or volunteer knew or should have known that the employee's or
7577 volunteer's action could result in a material and substantial interference or disruption in the
7578 normal activities of the school; and

7579 (ii) that action does result in a material and substantial interference or disruption in the
7580 normal activities of the school.

7581 (c) The state board or ~~[a local school]~~ an LEA governing board may not allow training
7582 of school employees or volunteers that supports or encourages criminal conduct.

7583 (d) The state board shall adopt rules implementing this section.

7584 (e) Nothing in this section limits the ability or authority of the state board or ~~[a local~~
7585 ~~school]~~ an LEA governing board to enact and enforce rules or take actions that are otherwise
7586 lawful, regarding educators', employees', or volunteers' qualifications or behavior evidencing
7587 unfitness for duty.

7588 (6) Except as provided in Section 53G-10-202, political, atheistic, sectarian, religious,
7589 or denominational doctrine may not be taught in the public schools.

7590 (7) (a) ~~[A local school board and a local school]~~ An LEA governing board and an LEA
7591 governing board's employees shall cooperate and share responsibility in carrying out the

purposes of this chapter.

(b) ~~[A local school]~~ An LEA governing board shall provide appropriate professional development for the ~~[local school]~~ LEA governing board's teachers, counselors, and school administrators to enable them to understand, protect, and properly instruct students in the values and character traits referred to in this section and Sections 53E-9-202, 53E-9-203, 53G-10-202, 53G-10-203, 53G-10-204, and 53G-10-205, and distribute appropriate written materials on the values, character traits, and conduct to each individual receiving the professional development.

(c) ~~[A local school]~~ An LEA governing board shall make the written materials described in Subsection (7)(b) available to classified employees, students, and parents of students.

(d) In order to assist ~~[a local school]~~ an LEA governing board in providing the professional development required under Subsection (7)(b), the state board shall, as appropriate, contract with a qualified individual or entity possessing expertise in the areas referred to in Subsection (7)(b) to develop and disseminate model teacher professional development programs that ~~[a local school]~~ an LEA governing board may use to train the individuals referred to in Subsection (7)(b) to effectively teach the values and qualities of character referenced in Subsection (7)(b).

(e) In accordance with the provisions of Subsection (5)(c), professional development may not support or encourage criminal conduct.

(8) ~~[A local school]~~ An LEA governing board shall review every two years:

(a) ~~[local school]~~ LEA governing board policies on instruction described in this section;

(b) for a local school board ~~[of education]~~ of a school district, data for each county that the school district is located in, or, for a charter school governing board, data for the county in which the charter school is located, on the following:

(i) teen pregnancy;

(ii) child sexual abuse; and

(iii) sexually transmitted diseases and sexually transmitted infections; and

(c) the number of pornography complaints or other instances reported within the jurisdiction of the ~~[local school]~~ LEA governing board.

(9) If any one or more provision, subsection, sentence, clause, phrase, or word of this section, or the application thereof to any person or circumstance, is found to be unconstitutional, the balance of this section shall be given effect without the invalid provision, subsection, sentence, clause, phrase, or word.

Section 202. Section **53G-10-403** is amended to read:

53G-10-403. Required parental consent for sex education instruction.

(1) As used in this section:

~~[(a) "Parent" means the same as that term is defined in Section 53G-10-205.]~~

~~[(b)]~~ (a) (i) "Sex education instruction" means any course material, unit, class, lesson, activity, or presentation that, as the focus of the discussion, provides instruction or information to a student about:

(A) sexual abstinence;

(B) human sexuality;

(C) human reproduction;

(D) reproductive anatomy;

(E) physiology;

(F) pregnancy;

(G) marriage;

(H) childbirth;

(I) parenthood;

(J) contraception;

(K) HIV/AIDS;

(L) sexually transmitted diseases; or

(M) refusal skills, as defined in Section 53G-10-402.

(ii) "Sex education instruction" does not include child sexual abuse prevention instruction described in Section 53G-9-207.

~~[(c)]~~ (b) "School" means the same as that term is defined in Section 53G-10-205.

(2) A school shall obtain prior written consent from a student's parent before the school may provide sex education instruction to the student.

(3) If a student's parent chooses not to have the student participate in sex education instruction, a school shall:

7654 (a) waive the requirement for the student to participate in the sex education instruction;
7655 or

7656 (b) provide the student with a reasonable alternative to the sex education instruction
7657 requirement.

7658 (4) In cooperation with the student's teacher or school, a parent shall take responsibility
7659 for the parent's student's sex education instruction if a school:

7660 (a) waives the student's sex education instruction requirement in Subsection (3)(a); or

7661 (b) provides the student with a reasonable alternative to the sex education instruction
7662 requirement described in Subsection (3)(b).

7663 (5) A student's academic or citizenship performance may not be penalized if the
7664 student's parent chooses not to have the student participate in sex education instruction as
7665 described in Subsection (3).

7666 Section 203. Section **53G-10-405** is amended to read:

7667 **53G-10-405. Instruction on the harmful effects of alcohol, tobacco, and controlled**
7668 **substances -- Rulemaking authority -- Assistance from the Division of Substance Abuse**
7669 **and Mental Health.**

7670 (1) The [~~State Board of Education~~] state board shall adopt rules providing for
7671 instruction at each grade level on the harmful effects of alcohol, tobacco, and controlled
7672 substances upon the human body and society. The rules shall require but are not limited to
7673 instruction on the following:

7674 (a) teaching of skills needed to evaluate advertisements for, and media portrayal of,
7675 alcohol, tobacco, and controlled substances;

7676 (b) directing students towards healthy and productive alternatives to the use of alcohol,
7677 tobacco, and controlled substances; and

7678 (c) discouraging the use of alcohol, tobacco, and controlled substances.

7679 (2) At the request of the state board, the Division of Substance Abuse and Mental
7680 Health shall cooperate with the state board in developing programs to provide this instruction.

7681 (3) The state board shall participate in efforts to enhance communication among
7682 community organizations and state agencies, and shall cooperate with those entities in efforts
7683 which are compatible with the purposes of this section.

7684 Section 204. Section **53G-10-406** is amended to read:

53G-10-406. Underage Drinking Prevention Program -- State board rules.

(1) As used in this section:

(a) "Advisory council" means the Underage Drinking Prevention Program Advisory Council created in this section.

~~[(b) "Board" means the State Board of Education.]~~

~~[(c) "LEA" means:]~~

~~[(i) a school district;]~~

~~[(ii) a charter school; or]~~

~~[(iii) the Utah Schools for the Deaf and the Blind.]~~

~~[(d)]~~ (b) "Program" means the Underage Drinking Prevention Program created in this section.

~~[(e)]~~ (c) "School-based prevention program" means an evidence-based program intended for students aged 13 and older that:

(i) is aimed at preventing underage consumption of alcohol;

(ii) is delivered by methods that engage students in storytelling and visualization;

(iii) addresses the behavioral risk factors associated with underage drinking; and

(iv) provides practical tools to address the dangers of underage drinking.

(2) There is created the Underage Drinking Prevention Program that consists of:

(a) a school-based prevention program for students in grade 7 or 8; and

(b) a school-based prevention program for students in grade 9 or 10 that increases awareness of the dangers of driving under the influence of alcohol.

(3) (a) Beginning with the 2018-19 school year, an LEA shall offer the program each school year to each student in grade 7 or 8 and grade 9 or 10.

(b) An LEA shall select from the providers qualified by the state board under Subsection (6) to offer the program.

(4) The state board shall administer the program with input from the advisory council.

(5) There is created the Underage Drinking Prevention Program Advisory Council comprised of the following members:

(a) the executive director of the Department of Alcoholic Beverage Control or the executive director's designee;

(b) the executive director of the Department of Health or the executive director's

7716 designee;

7717 (c) the director of the Division of Substance Abuse and Mental Health or the director's

7718 designee;

7719 (d) the director of the Division of Child and Family Services or the director's designee;

7720 (e) the director of the Division of Juvenile Justice Services or the director's designee;

7721 (f) the state superintendent ~~[of public instruction]~~ or the state ~~[superintendent of public~~

7722 ~~instruction's]~~ superintendent's designee; and

7723 (g) two members of the ~~[State Board of Education]~~ state board, appointed by the chair

7724 of the ~~[State Board of Education]~~ state board.

7725 (6) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the state

7726 board shall qualify one or more providers to provide the program to an LEA.

7727 (b) In selecting a provider described in Subsection (6)(a), the state board shall consider:

7728 (i) whether the provider's program complies with the requirements described in this

7729 section;

7730 (ii) the extent to which the provider's underage drinking prevention program aligns

7731 with core standards for Utah public schools; and

7732 (iii) the provider's experience in providing a program that is effective at reducing

7733 underage drinking.

7734 (7) (a) The state board shall use money from the Underage Drinking Prevention

7735 Program Restricted Account described in Section 53F-9-304 for the program.

7736 (b) The state board may use money from the Underage Drinking Prevention Program

7737 Restricted Account to fund up to .5 of a full-time equivalent position to administer the

7738 program.

7739 ~~[(8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

7740 ~~the]~~

7741 (8) The state board shall make rules that:

7742 (a) beginning with the 2018-19 school year, require an LEA to offer the Underage

7743 Drinking Prevention Program each school year to each student in grade 7 or 8 and grade 9 or

7744 10; and

7745 (b) establish criteria for the state board to use in selecting a provider described in

7746 Subsection (6).

Section 205. Section **53G-10-501** is amended to read:

53G-10-501. Definitions.

~~[Reserved]~~ As used in this part:

(1) "Driver education" includes classroom instruction and driving and observation in a dual-controlled motor vehicle.

(2) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor vehicle under the supervision of a certified instructor.

Section 206. Section **53G-10-502** is amended to read:

53G-10-502. Driver education established by school districts.

~~[(1) As used in this part:]~~

~~[(a) "Driver education" includes classroom instruction and driving and observation in a dual-controlled motor vehicle.]~~

~~[(b) "Driving" or "behind-the-wheel driving" means operating a dual-controlled motor vehicle under the supervision of a certified instructor.]~~

~~[(2)]~~ (1) (a) Local school districts may establish and maintain driver education for pupils.

(b) A school or local school district that provides driver education shall provide an opportunity for each pupil enrolled in that school or local school district to take the written test when the pupil is 15 years and nine months of age.

(c) Notwithstanding the provisions of Subsection ~~[(2)]~~ (1)(b), a school or local school district that provides driver education may provide an opportunity for each pupil enrolled in that school or school district to take the written test when the pupil is 15 years of age.

~~[(3)]~~ (2) The purpose of driver education is to help develop the knowledge, attitudes, habits, and skills necessary for the safe operation of motor vehicles.

~~[(4)]~~ (3) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ The state board shall make rules for driver education offered in the public schools.

~~[(5)]~~ (4) The rules under Subsection ~~[(4)]~~ (3) shall:

(a) require at least one hour of classroom training on the subject of railroad crossing safety for each driver education pupil;

(b) require instruction, based on data and information provided by the Division of Air

7778 Quality, on:

7779 (i) ways drivers can improve air quality; and

7780 (ii) the harmful effects of vehicle emissions; and

7781 (c) establish minimum standards for approved driving ranges under Section

7782 53-3-505.5.

7783 [~~(6)~~] (5) The requirements of Section 53-3-505.5 apply to any behind-the-wheel

7784 driving training provided as part of driver education offered under this part and used to satisfy

7785 the driver training requirement under Section 53-3-204.

7786 Section 207. Section **53G-10-503** is amended to read:

7787 **53G-10-503. Driver education funding -- Reimbursement of school districts for**
7788 **driver education class expenses -- Limitations -- Excess funds -- Student fees.**

7789 (1) (a) Except as provided in Subsection (1)(b), a school district that provides driver
7790 education shall fund the program solely through:

7791 (i) funds provided from the Automobile Driver Education Tax Account in the Uniform
7792 School Fund as created under Section 41-1a-1205; and

7793 (ii) student fees collected by each school.

7794 (b) In determining the cost of driver education, a school district may exclude:

7795 (i) the full-time equivalent cost of a teacher for a driver education class taught during
7796 regular school hours; and

7797 (ii) classroom space and classroom maintenance.

7798 (c) A school district may not use any additional school funds beyond those allowed
7799 under Subsection (1)(b) to subsidize driver education.

7800 (2) (a) The state superintendent [~~of public instruction~~] shall, prior to September 2nd
7801 following the school year during which it was expended, or may at earlier intervals during that
7802 school year, reimburse each school district that applied for reimbursement in accordance with
7803 this section.

7804 (b) A school district that maintains driver education classes that conform to this part
7805 and the rules prescribed by the state board may apply for reimbursement for the actual cost of
7806 providing the behind-the-wheel and observation training incidental to those classes.

7807 (3) Under the state board's supervision for driver education, a school district may:

7808 (a) employ personnel who are not licensed by the state board under Section 53E-6-201;

7809 or

7810 (b) contract with private parties or agencies licensed under Section 53-3-504 for the
7811 behind-the-wheel phase of the driver education program.

7812 (4) The reimbursement amount shall be paid out of the Automobile Driver Education
7813 Tax Account in the Uniform School Fund and may not exceed:

7814 (a) \$100 per student who has completed driver education during the school year;

7815 (b) \$30 per student who has only completed the classroom portion in the school or
7816 through the electronic high school during the school year; or

7817 (c) \$70 per student who has only completed the behind-the-wheel and observation
7818 portion in the school during the school year.

7819 (5) If the amount of money in the account at the end of a school year is less than the
7820 total of the reimbursable costs, the state superintendent [~~of public instruction~~] shall allocate the
7821 money to each school district in the same proportion that its reimbursable costs bear to the total
7822 reimbursable costs of all school districts.

7823 (6) If the amount of money in the account at the end of any school year is more than the
7824 total of the reimbursement costs provided under Subsection (4), the state superintendent may
7825 allocate the excess funds to school districts:

7826 (a) to reimburse each school district that applies for reimbursement of the cost of a fee
7827 waived under Section 53G-7-504 for driver education; and

7828 (b) to aid in the procurement of equipment and facilities which reduce the cost of
7829 behind-the-wheel instruction.

7830 (7) A local school board shall establish the student fee for driver education for the
7831 school district. Student fees shall be reasonably associated with the costs of driver education
7832 that are not otherwise covered by reimbursements and allocations made under this section.

7833 Section 208. Section **53G-10-505** is amended to read:

7834 **53G-10-505. Reports as to costs of driver training programs.**

7835 A local school board seeking reimbursement shall, at the end of each school year and at
7836 other times as designated by the [~~State Board of Education~~] state board, report the following to
7837 the state superintendent [~~of public instruction~~]:

7838 (1) the costs of providing driver education including a separate accounting for:

7839 (a) course work; and

7840 (b) behind-the-wheel and observation training to students;
7841 (2) the costs of fees waived under Section 53G-7-504 for driver education including a
7842 separate accounting for:
7843 (a) course work; and
7844 (b) behind-the-wheel and observation training to students;
7845 (3) the number of students who completed driver education including a separate
7846 accounting for:
7847 (a) course work; and
7848 (b) behind-the-wheel and observation training to students;
7849 (4) whether or not a passing grade was received; and
7850 (5) any other information the [~~State Board of Education~~] state board may require for
7851 the purpose of administering this program.

7852 Section 209. Section **53G-10-506** is amended to read:

7853 **53G-10-506. Promoting the establishment and maintenance of classes -- Payment**
7854 **of costs.**

7855 (1) The state superintendent [~~of public instruction~~] shall promote the establishment and
7856 maintenance of driver education classes in school districts under rules adopted by the [~~State~~
7857 ~~Board of Education~~] state board.

7858 (2) The state board may employ personnel and sponsor experimental programs
7859 considered necessary to give full effect to this program.

7860 (3) The costs of implementing this section shall be paid from the legislative
7861 appropriation to the state board made from the Automobile Driver Education Tax Account in
7862 the Uniform School Fund.

7863 Section 210. Section **53G-10-507** is amended to read:

7864 **53G-10-507. Driver education teachers certified as license examiners.**

7865 (1) The Driver License Division of the Department of Public Safety and the [~~State~~
7866 ~~Board of Education~~] state board shall establish procedures and standards to certify teachers of
7867 driver education classes under this part to administer written and driving tests.

7868 (2) The division is the certifying authority.

7869 (3) (a) A teacher certified under this section shall give written and driving tests
7870 designed for driver education classes authorized under this part.

(b) The Driver License Division shall, in conjunction with the ~~[State Board of Education]~~ state board, establish minimal standards for the driver education class tests that are at least as difficult as those required to receive a class D operator's license under Title 53, Chapter 3, Uniform Driver License Act.

(c) A student who passes the written test but fails the driving test given by a teacher certified under this section may apply for a learner permit or class D operator's license under Title 53, Chapter 3, Part 2, Driver Licensing Act, and complete the driving test at a Driver License Division office.

(4) A student shall have a learner permit issued by the Driver License Division under Section 53-3-210.5 in the student's immediate possession at all times when operating a motor vehicle under this section.

(5) A student who successfully passes the tests given by a certified driver education teacher under this section satisfies the written and driving parts of the test required for a learner permit or class D operator's license.

(6) The Driver License Division and the ~~[State Board of Education]~~ state board shall establish procedures to enable school districts to administer or process any tests for students to receive a learner permit or class D operator's license.

(7) The division and state board shall establish the standards and procedures required under this section by rules ~~[made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act]~~.

Section 211. Section **53G-10-508** is amended to read:

53G-10-508. Programs authorized -- Minimum standards.

(1) Local school districts may:

(a) allow students to complete the classroom training portion of driver education through the following programs:

(i) home study; or

(ii) the electronic high school;

(b) provide each parent with driver education instructional materials to assist in parent involvement with driver education including behind-the-wheel driving materials;

(c) offer driver education outside of school hours in order to reduce the cost of providing driver education;

7902 (d) offer driver education through community education programs;
7903 (e) offer the classroom portion of driver education in the public schools and allow the
7904 student to complete the behind-the-wheel portion with a private provider:
7905 (i) licensed under Section 53-3-504; and
7906 (ii) not associated with the school or under contract with the school under Subsection
7907 53G-10-503(3); or
7908 (f) any combination of Subsections (1)(a) through (e).
7909 (2) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
7910 ~~the State Board of Education]~~ The state board shall establish in rule minimum standards for the
7911 school-related programs under Subsection (1).
7912 Section 212. Section **53G-11-203** is amended to read:
7913 **53G-11-203. Health insurance mandates.**
7914 A local school board and ~~[the governing body of]~~ a charter school governing board shall
7915 include in a health plan it offers to school district employees, or charter school employees
7916 insurance mandates in accordance with Section 31A-22-605.5.
7917 Section 213. Section **53G-11-205** is amended to read:
7918 **53G-11-205. Education employee associations -- Equal participation --**
7919 **Prohibition on endorsement or preferential treatment -- Naming of school breaks.**
7920 (1) As used in this section:
7921 (a) "Education employee association" includes teacher associations, teacher unions,
7922 teacher organizations, and classified education employees' associations.
7923 (b) "School" means a school district, a school in a school district, a charter school, or
7924 the ~~[State Board of Education]~~ state board and its employees.
7925 (2) A school shall allow education employee associations equal access to the following
7926 activities:
7927 (a) distribution of information in or access to teachers' or employees' physical or
7928 electronic mailboxes, including email accounts that are provided by the school; and
7929 (b) membership solicitation activities at new teacher or employee orientation training
7930 or functions.
7931 (3) If a school permits an education employee association to engage in any of the
7932 activities described in Subsection (2), the school shall permit all other education employee

7933 associations to engage in the activity on the same terms and conditions afforded to the
7934 education employee association.

7935 (4) It is unlawful for a school to:

7936 (a) establish or maintain structures, procedures, or policies that favor one education
7937 employee association over another or otherwise give preferential treatment to an education
7938 employee association; or

7939 (b) explicitly or implicitly endorse any education employee association.

7940 (5) A school's calendars and publications may not include or refer to the name of any
7941 education employee association in relation to any day or break in the school calendar.

7942 Section 214. Section **53G-11-207** is amended to read:

7943 **53G-11-207. Collective bargaining agreement -- Website posting.**

7944 (1) As used in this section, "collective bargaining agreement" includes:

7945 (a) a master agreement; and

7946 (b) an amendment, addendum, memorandum, or other document modifying the master
7947 agreement.

7948 ~~[(2) The board of education of a school district:]~~

7949 (2) A local school board:

7950 (a) shall post on the school district's website a collective bargaining agreement entered
7951 into by the ~~[board of education]~~ local school board within 10 days of the ratification of the
7952 agreement; and

7953 (b) may remove from the school district's website a collective bargaining agreement
7954 that is no longer in effect.

7955 ~~[(3) The governing board of a charter school:]~~

7956 (3) A charter school governing board:

7957 (a) shall post on the charter school's website a collective bargaining agreement entered
7958 into by the charter school governing board ~~[of the charter school]~~ within 10 days of the
7959 ratification of the agreement; and

7960 (b) may remove from the charter school's website a collective bargaining agreement
7961 that is no longer in effect.

7962 Section 215. Section **53G-11-303** is amended to read:

7963 **53G-11-303. Professional learning standards.**

(1) As used in this section, "professional learning" means a comprehensive, sustained, and evidence-based approach to improving teachers' and principals' effectiveness in raising student achievement.

(2) A school district or charter school shall implement high quality professional learning that meets the following standards:

(a) professional learning occurs within learning communities committed to continuous improvement, individual and collective responsibility, and goal alignment;

(b) professional learning requires skillful leaders who develop capacity, advocate, and create support systems, for professional learning;

(c) professional learning requires prioritizing, monitoring, and coordinating resources for educator learning;

(d) professional learning uses a variety of sources and types of student, educator, and system data to plan, assess, and evaluate professional learning;

(e) professional learning integrates theories, research, and models of human learning to achieve its intended outcomes;

(f) professional learning applies research on change and sustains support for implementation of professional learning for long-term change;

(g) professional learning aligns its outcomes with:

(i) performance standards for teachers and school administrators as described in rules of the [~~State Board of Education~~] state board; and

(ii) performance standards for students as described in the core standards for Utah public schools adopted by the [~~State Board of Education~~] state board pursuant to Section 53E-4-202; and

(h) professional learning:

(i) incorporates the use of technology in the design, implementation, and evaluation of high quality professional learning practices; and

(ii) includes targeted professional learning on the use of technology devices to enhance the teaching and learning environment and the integration of technology in content delivery.

(3) School districts and charter schools shall use money appropriated by the Legislature for professional learning or federal grant money awarded for professional learning to implement professional learning that meets the standards specified in Subsection (2).

(4) (a) In the fall of 2014, the ~~[State Board of Education]~~ state board, through the state superintendent ~~[of public instruction]~~, and in collaboration with an independent consultant acquired through a competitive bid process, shall conduct a statewide survey of school districts and charter schools to:

(i) determine the current state of professional learning for educators as aligned with the standards specified in Subsection (2);

(ii) determine the effectiveness of current professional learning practices; and

(iii) identify resources to implement professional learning as described in Subsection (2).

(b) The ~~[State Board of Education]~~ state board shall select a consultant from bidders who have demonstrated successful experience in conducting a statewide analysis of professional learning.

(c) (i) Annually in the fall, beginning in 2015 through 2020, the ~~[State Board of Education]~~ state board, through the state superintendent ~~[of public instruction]~~, in conjunction with school districts and charter schools, shall gather and use data to determine the impact of professional learning efforts and resources.

(ii) Data used to determine the impact of professional learning efforts and resources under Subsection (4)(c)(i) shall include:

(A) student achievement data;

(B) educator evaluation data; and

(C) survey data.

Section 216. Section **53G-11-401** is amended to read:

53G-11-401. Definitions.

As used in this part:

(1) "Authorized entity" means an LEA, qualifying private school, or the ~~[State Board of Education]~~ state board that is authorized to request a background check and ongoing monitoring under this part.

(2) "Bureau" means the Bureau of Criminal Identification within the Department of Public Safety created in Section 53-10-201.

(3) "Contract employee" means an employee of a staffing service or other entity who works at a public or private school under a contract.

8026 (4) "FBI" means the Federal Bureau of Investigation.

8027 (5) (a) "License applicant" means an applicant for a license issued by the ~~[State Board~~
8028 ~~of Education]~~ state board under Title 53E, Chapter 6, Education Professional Licensure.

8029 (b) "License applicant" includes an applicant for reinstatement of an expired, lapsed,
8030 suspended, or revoked license.

8031 ~~[(6) "Local education agency" or "LEA" means a school district, charter school, or the~~
8032 ~~Utah Schools for the Deaf and the Blind.]~~

8033 ~~[(7)]~~ (6) "Non-licensed employee" means an employee of an LEA or qualifying private
8034 school that does not hold a current Utah educator license issued by the ~~[State Board of~~
8035 ~~Education]~~ state board under Title 53E, Chapter 6, Education Professional Licensure.

8036 ~~[(8)]~~ (7) "Personal identifying information" means:

8037 (a) current name, former names, nicknames, and aliases;

8038 (b) date of birth;

8039 (c) address;

8040 (d) telephone number;

8041 (e) driver license number or other government-issued identification number;

8042 (f) social security number; and

8043 (g) fingerprints.

8044 ~~[(9)]~~ (8) "Qualifying private school" means a private school that:

8045 (a) enrolls students under Title 53F, Chapter 4, Part 3, Carson Smith Scholarship
8046 Program; and

8047 (b) is authorized to conduct fingerprint-based background checks of national crime
8048 information databases under the Adam Walsh Child Protection and Safety Act of 2006, Pub. L.
8049 No. 109-248.

8050 ~~[(10)]~~ (9) "Rap back system" means a system that enables authorized entities to receive
8051 ongoing status notifications of any criminal history reported on individuals whose fingerprints
8052 are registered in the system.

8053 ~~[(11)]~~ (10) "WIN Database" means the Western Identification Network Database that
8054 consists of eight western states sharing one electronic fingerprint database.

8055 Section 217. Section **53G-11-403** is amended to read:

8056 **53G-11-403. Background checks for licensed educators.**

8057 The [~~State Board of Education~~] state board shall:

8058 (1) require a license applicant to submit to a nationwide criminal background check

8059 and ongoing monitoring as a condition for licensing;

8060 (2) collect the following from an applicant:

8061 (a) personal identifying information;

8062 (b) a fee described in Subsection 53-10-108(15); and

8063 (c) consent, on a form specified by the [~~State Board of Education~~] state board, for:

8064 (i) an initial fingerprint-based background check by the FBI and bureau upon

8065 submission of the application;

8066 (ii) retention of personal identifying information for ongoing monitoring through

8067 registration with the systems described in Section 53G-11-404; and

8068 (iii) disclosure of any criminal history information to the individual's employing LEA

8069 or qualifying private school;

8070 (3) submit an applicant's personal identifying information to the bureau for:

8071 (a) an initial fingerprint-based background check by the FBI and bureau; and

8072 (b) ongoing monitoring through registration with the systems described in Section

8073 53G-11-404 if the results of the initial background check do not contain disqualifying criminal

8074 history information as determined by the [~~State Board of Education~~] state board in accordance

8075 with Section 53G-11-405;

8076 (4) identify the appropriate privacy risk mitigation strategy that will be used to ensure

8077 that the [~~State Board of Education~~] state board only receives notifications for individuals with

8078 whom the [~~State Board of Education~~] state board maintains an authorizing relationship;

8079 (5) notify the employing LEA or qualifying private school upon receipt of any criminal

8080 history information reported on a licensed educator employed by the LEA or qualifying private

8081 school; and

8082 (6) (a) collect the information described in Subsection (2) from individuals who were

8083 licensed prior to July 1, 2015, by the individual's next license renewal date; and

8084 (b) submit the information to the bureau for ongoing monitoring through registration

8085 with the systems described in Section 53G-11-404.

8086 Section 218. Section **53G-11-404** is amended to read:

8087 **53G-11-404. Bureau responsibilities.**

The bureau shall:

(1) upon request from an authorized entity, register the fingerprints submitted by the authorized entity as part of a background check with:

(a) the WIN Database rap back system, or any successor system; and

(b) the rap back system maintained by the Federal Bureau of Investigation;

(2) notify an authorized entity when a new entry is made against an individual whose fingerprints are registered with the rap back systems described in Subsection (1) regarding:

(a) an alleged offense; or

(b) a conviction, including a plea in abeyance;

(3) assist authorized entities to identify the appropriate privacy risk mitigation strategy that is to be used to ensure that the authorized entity only receives notifications for individuals with whom the authorized entity maintains an authorizing relationship; and

(4) collaborate with the [~~State Board of Education~~] state board to provide training to authorized entities on the notification procedures and privacy risk mitigation strategies described in this part.

Section 219. Section **53G-11-405** is amended to read:

53G-11-405. Due process for individuals--Review of criminal history information.

(1) (a) In accordance with Section 53-10-108, an authorized entity shall provide an individual an opportunity to review and respond to any criminal history information received under this part.

(b) If an authorized entity decides to disqualify an individual as a result of criminal history information received under this part, an individual may request a review of:

(i) information received; and

(ii) the reasons for the disqualification.

(c) An authorized entity shall provide an individual described in Subsection (1)(b) with written notice of:

(i) the reasons for the disqualification; and

(ii) the individual's right to request a review of the disqualification.

(2) (a) An LEA or qualifying private school shall make decisions regarding criminal history information for the individuals subject to the background check requirements under Section 53G-11-402 in accordance with:

8119 (i) Subsection (3);
8120 (ii) administrative procedures established by the LEA or qualifying private school; and
8121 (iii) rules established by the [~~State Board of Education~~] state board.

8122 (b) The [~~State Board of Education~~] state board shall make decisions regarding criminal
8123 history information for licensed educators in accordance with:

8124 (i) Subsection (3);
8125 (ii) Title 53E, Chapter 6, Education Professional Licensure; and
8126 (iii) rules established by the [~~State Board of Education~~] state board.

8127 (3) When making decisions regarding initial employment, initial licensing, or initial
8128 appointment for the individuals subject to background checks under this part, an authorized
8129 entity shall consider:

8130 (a) any convictions, including pleas in abeyance;
8131 (b) any matters involving a felony; and
8132 (c) any matters involving an alleged:
8133 (i) sexual offense;
8134 (ii) class A misdemeanor drug offense;
8135 (iii) offense against the person under Title 76, Chapter 5, Offenses Against the Person;
8136 (iv) class A misdemeanor property offense that is alleged to have occurred within the
8137 previous three years; and
8138 (v) any other type of criminal offense, if more than one occurrence of the same type of
8139 offense is alleged to have occurred within the previous eight years.

8140 Section 220. Section **53G-11-406** is amended to read:

8141 **53G-11-406. Self-reporting requirement.**

8142 (1) Individuals subject to the background check requirements under this part shall
8143 self-report conviction, arrest, or offense information in accordance with rules established by the
8144 [~~State Board of Education~~] state board.

8145 (2) An LEA shall report conviction, arrest, or offense information received from
8146 licensed educators under Subsection (1) to the [~~State Board of Education~~] state board in
8147 accordance with rules established by the [~~State Board of Education~~] state board.

8148 Section 221. Section **53G-11-407** is amended to read:

8149 **53G-11-407. Update criminal background check rules and policies.**

8150 On or before September 1, 2015:

8151 (1) the ~~[State Board of Education]~~ state board shall update the ~~[State Board of~~
8152 ~~Education's]~~ state board's criminal background check rules consistent with this part; and

8153 (2) an LEA shall update the LEA's criminal background check policies consistent with
8154 this part.

8155 Section 222. Section **53G-11-408** is amended to read:

8156 **53G-11-408. Training provided to authorized entities.**

8157 The ~~[State Board of Education]~~ state board shall collaborate with the bureau to provide
8158 training to authorized entities on the provisions of this part.

8159 Section 223. Section **53G-11-501** is amended to read:

8160 **53G-11-501. Definitions.**

8161 As used in this part:

8162 (1) "Administrator" means an individual who supervises educators and holds an
8163 appropriate license issued by the ~~[State Board of Education]~~ state board.

8164 (2) "Career educator" means a licensed employee who has a reasonable expectation of
8165 continued employment under the policies of a local school board.

8166 (3) "Career employee" means an employee of a school district who has obtained a
8167 reasonable expectation of continued employment based upon Section 53G-11-503 and an
8168 agreement with the employee or the employee's association, district practice, or policy.

8169 (4) "Contract term" or "term of employment" means the period of time during which an
8170 employee is engaged by the school district under a contract of employment, whether oral or
8171 written.

8172 (5) "Dismissal" or "termination" means:

8173 (a) termination of the status of employment of an employee;

8174 (b) failure to renew or continue the employment contract of a career employee beyond
8175 the then-current school year;

8176 (c) reduction in salary of an employee not generally applied to all employees of the
8177 same category employed by the school district during the employee's contract term; or

8178 (d) change of assignment of an employee with an accompanying reduction in pay,
8179 unless the assignment change and salary reduction are agreed to in writing.

8180 (6) "Educator" means an individual employed by a school district who is required to

8181 hold a professional license issued by the [~~State Board of Education~~] state board, except:

8182 (a) a superintendent; or

8183 (b) an individual who works less than [~~three~~] three hours per day or is hired for less
8184 than half of a school year.

8185 (7) (a) "Employee" means a career or provisional employee of a school district, except
8186 as provided in Subsection (7)(b).

8187 (b) Excluding Section 53G-11-518, for purposes of this part, "employee" does not
8188 include:

8189 (i) a district superintendent or the equivalent at the Utah Schools for the Deaf and the
8190 Blind;

8191 (ii) a district business administrator or the equivalent at the Utah Schools for the Deaf
8192 and the Blind; or

8193 (iii) a temporary employee.

8194 (8) "Last-hired, first-fired layoff policy" means a staff reduction policy that mandates
8195 the termination of an employee who started to work for a district most recently before
8196 terminating a more senior employee.

8197 [~~(9) "Probationary educator" means an educator employed by a school district who,
8198 under local school board policy, has been advised by the school district that the educator's
8199 performance is inadequate.]~~

8200 [~~(10)~~] (9) "Provisional educator" means an educator employed by a school district who
8201 has not achieved status as a career educator within the school district.

8202 [~~(11)~~] (10) "Provisional employee" means an individual, other than a career employee
8203 or a temporary employee, who is employed by a school district.

8204 [~~(12)~~] (11) "School board" or "board" means a [~~district~~] local school board or, for the
8205 Utah Schools for the Deaf and the Blind, the [~~State Board of Education~~] state board.

8206 [~~(13)~~] (12) "School district" or "district" means:

8207 (a) a public school district; or

8208 (b) the Utah Schools for the Deaf and the Blind.

8209 [~~(14)~~] (13) "Summative evaluation" means the annual evaluation that summarizes an
8210 educator's performance during a school year and that is used to make decisions related to the
8211 educator's employment.

8212 ~~[(15)]~~ (14) "Temporary employee" means an individual who is employed on a
8213 temporary basis as defined by policies adopted by the ~~[local]~~ school board ~~[of education]~~. If
8214 the class of employees in question is represented by an employee organization recognized by
8215 the ~~[local]~~ school board, the school board shall adopt the school board's policies based upon an
8216 agreement with that organization. Temporary employees serve at will and have no expectation
8217 of continued employment.

8218 ~~[(16)]~~ (15) (a) "Unsatisfactory performance" means a deficiency in performing work
8219 tasks that may be:

8220 (i) due to insufficient or undeveloped skills or a lack of knowledge or aptitude; and

8221 (ii) remediated through training, study, mentoring, or practice.

8222 (b) "Unsatisfactory performance" does not include the following conduct that is
8223 designated as a cause for termination under Section 53G-11-512 or a reason for license
8224 discipline by the ~~[State Board of Education]~~ state board or Utah Professional Practices
8225 Advisory Commission:

8226 (i) a violation of work ~~[rules]~~ policies;

8227 (ii) a violation of ~~[local]~~ school board policies, ~~[State Board of Education]~~ state board
8228 rules, or law;

8229 (iii) a violation of standards of ethical, moral, or professional conduct; or

8230 (iv) insubordination.

8231 Section 224. Section **53G-11-501.5** is amended to read:

8232 **53G-11-501.5. Legislative findings.**

8233 (1) The Legislature finds that the effectiveness of public educators can be improved
8234 and enhanced by providing specific feedback and support for improvement through a
8235 systematic, fair, and competent annual evaluation and remediation of public educators whose
8236 performance is inadequate.

8237 (2) The ~~[State Board of Education]~~ state board and each local school board shall
8238 implement Sections 53G-11-501, 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509,
8239 53G-11-510, and 53G-11-511 in accordance with Subsections 53E-2-302(7) and
8240 53E-6-103(2)(a) and (b), to:

8241 (a) allow the educator and the school district to promote the professional growth of the
8242 educator; and

8243 (b) identify and encourage quality instruction in order to improve student academic
8244 growth.

8245 Section 225. Section **53G-11-504** is amended to read:

8246 **53G-11-504. Evaluation of employee performance.**

8247 (1) Except as provided in Subsection (2), a local school board shall require that the
8248 performance of each school district employee be evaluated annually in accordance with rules of
8249 the ~~[State Board of Education]~~ state board adopted in accordance with this part ~~[and Title 63G,~~
8250 ~~Chapter 3, Utah Administrative Rulemaking Act].~~

8251 (2) Rules adopted by the ~~[State Board of Education]~~ state board under Subsection (1)
8252 may include an exemption from annual performance evaluations for a temporary employee or a
8253 part-time employee.

8254 Section 226. Section **53G-11-505** is amended to read:

8255 **53G-11-505. State board rules -- Reporting to Legislature.**

8256 (1) Subject to Sections 53G-11-506, 53G-11-507, 53G-11-508, 53G-11-509,
8257 53G-11-510, and 53G-11-511, rules adopted by the ~~[State Board of Education]~~ state board
8258 under Section 53G-11-504 shall:

8259 (a) provide general guidelines, requirements, and procedures for the development and
8260 implementation of employee evaluations;

8261 (b) establish required components and allow for optional components of employee
8262 evaluations;

8263 (c) require school districts to choose valid and reliable methods and tools to implement
8264 the evaluations; and

8265 (d) establish a timeline for school districts to implement employee evaluations.

8266 (2) The ~~[State Board of Education]~~ state board shall report to the Education Interim
8267 Committee, as requested, on progress in implementing employee evaluations in accordance
8268 with this section and Sections 53G-11-504, 53G-11-506, 53G-11-507, 53G-11-508,
8269 53G-11-509, 53G-11-510, and 53G-11-511.

8270 Section 227. Section **53G-11-506** is amended to read:

8271 **53G-11-506. Establishment of educator evaluation program -- Joint committee.**

8272 (1) A local school board shall develop an educator evaluation program in consultation
8273 with its joint committee.

(2) The joint committee described in Subsection (1) shall consist of an equal number of classroom teachers, parents, and administrators appointed by the local school board.

(3) A local school board may appoint members of the joint committee from a list of nominees:

(a) voted on by classroom teachers in a nomination election;

(b) voted on by the administrators in a nomination election; and

(c) of parents submitted by school community councils within the district.

(4) Subject to Subsection (5), the joint committee may:

(a) adopt or adapt an evaluation program for educators based on a model developed by the ~~[State Board of Education]~~ state board; or

(b) create the local school board's own evaluation program for educators.

(5) The evaluation program developed by the joint committee shall comply with the requirements of Sections 53G-11-507 through 53G-11-511 and rules adopted by the ~~[State Board of Education]~~ state board under Section 53G-11-510.

Section 228. Section **53G-11-507** is amended to read:

53G-11-507. Components of educator evaluation program.

(1) A local school board in consultation with a joint committee established in Section 53G-11-506 shall adopt a reliable and valid educator evaluation program that evaluates educators based on educator professional standards established by the ~~[State Board of Education]~~ state board and includes:

(a) a systematic annual evaluation of all provisional, probationary, and career educators;

(b) use of multiple lines of evidence, including:

(i) self-evaluation;

(ii) student and parent input;

(iii) for an administrator, employee input;

(iv) a reasonable number of supervisor observations to ensure adequate reliability;

(v) evidence of professional growth and other indicators of instructional improvement based on educator professional standards established by the ~~[State Board of Education]~~ state board; and

(vi) student academic growth data;

(c) a summative evaluation that differentiates among four levels of performance; and
(d) for an administrator, the effectiveness of evaluating employee performance in a school or school district for which the administrator has responsibility.

(2) (a) An educator evaluation program described in Subsection (1) may include a reasonable number of peer observations.

(b) An educator evaluation program described in Subsection (1) may not use end-of-level assessment scores in educator evaluation.

Section 229. Section **53G-11-508** is amended to read:

53G-11-508. Summative evaluation timelines -- Review of summative evaluations.

(1) The person responsible for administering an educator's summative evaluation shall:

(a) at least 15 days before an educator's first evaluation:

(i) notify the educator of the evaluation process; and

(ii) give the educator a copy of the evaluation instrument, if an instrument is used;

(b) allow the educator to respond to any part of the evaluation;

(c) attach the educator's response to the evaluation if the educator's response is provided in writing;

(d) within 15 days after the evaluation process is completed, discuss the written evaluation with the educator; and

(e) based upon the educator's performance, assign to the educator one of the four levels of performance described in Section 53G-11-507.

(2) An educator who is not satisfied with a summative evaluation may request a review of the evaluation within 15 days after receiving the written evaluation.

(3) (a) If a review is requested in accordance with Subsection (2), the school district superintendent or the superintendent's designee shall appoint a person not employed by the school district who has expertise in teacher or personnel evaluation to review the evaluation procedures and make recommendations to the superintendent regarding the educator's summative evaluation.

(b) ~~[In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education]~~ The state board shall make rules prescribing standards for an independent review of an educator's summative evaluation.

(c) A review of an educator's summative evaluation under Subsection (3)(a) shall be

8336 conducted in accordance with [~~State Board of Education~~] state board rules made under
8337 Subsection (3)(b).

8338 Section 230. Section **53G-11-510** is amended to read:

8339 **53G-11-510. State board to describe a framework for the evaluation of educators.**

8340 (1) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~
8341 ~~the State Board of Education~~] The state board shall make rules:

8342 (a) describing a framework for the evaluation of educators that is consistent with the
8343 requirements of Part 3, Licensed Employee Requirements, and Sections 53G-11-506,
8344 53G-11-507, 53G-11-508, 53G-11-509, 53G-11-510, and 53G-11-511; and

8345 (b) requiring an educator's summative evaluation to be based on:

8346 (i) educator professional standards established by the [~~State Board of Education~~] state
8347 board; and

8348 (ii) the requirements described in Subsection 53G-11-507(1).

8349 (2) The rules described in Subsection (1) shall prohibit the use of end-of-level
8350 assessment scores in educator evaluation.

8351 Section 231. Section **53G-11-511** is amended to read:

8352 **53G-11-511. Report of performance levels.**

8353 (1) A school district shall report to the [~~State Board of Education~~] state board the
8354 number and percent of educators in each of the four levels of performance assigned under
8355 Section 53G-11-508.

8356 (2) The data reported under Subsection (1) shall be separately reported for the
8357 following educator classifications:

8358 (a) administrators;

8359 (b) teachers, including separately reported data for provisional teachers and career
8360 teachers; and

8361 (c) other classifications or demographics of educators as determined by the [~~State~~
8362 ~~Board of Education~~] state board.

8363 (3) The state superintendent shall include the data reported by school districts under
8364 this section in the state superintendent's annual report of the public school system required by
8365 Section 53E-3-301.

8366 (4) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~

8367 ~~the State Board of Education]~~ The state board shall make rules to ensure the privacy and
8368 protection of individual evaluation data.

8369 Section 232. Section **53G-11-512** is amended to read:

8370 **53G-11-512. LEA governing board to establish dismissal procedures.**

8371 (1) A local school board shall, by contract with its employees or their associations, or
8372 by resolution of the local school board, establish procedures for dismissal of employees in an
8373 orderly manner without discrimination.

8374 (2) The procedures shall include:

8375 (a) standards of due process;

8376 (b) causes for dismissal; and

8377 (c) procedures and standards related to developing and implementing a plan of
8378 assistance for a career employee whose performance is unsatisfactory.

8379 (3) Procedures and standards for a plan of assistance adopted under Subsection (2)(c)
8380 shall require a plan of assistance to identify:

8381 (a) specific, measurable, and actionable deficiencies;

8382 (b) the available resources provided for improvement; and

8383 (c) a course of action to improve employee performance.

8384 (4) If a career employee exhibits both unsatisfactory performance as described in
8385 Subsection 53G-11-501(16)(a) and conduct described in Subsection 53G-11-501(16)(b), an
8386 employer:

8387 (a) may:

8388 (i) attempt to remediate the conduct of the career employee; or

8389 (ii) terminate the career employee for cause if the conduct merits dismissal consistent
8390 with procedures established by the local school board; and

8391 (b) is not required to develop and implement a plan of assistance for the career
8392 employee, as provided in Section 53G-11-514.

8393 (5) If the conduct of a career employee described in Subsection (4) is satisfactorily
8394 remediated, and unsatisfactory performance issues remain, an employer shall develop and
8395 implement a plan of assistance for the career employee, as provided in Section 53G-11-514.

8396 (6) If the conduct of a career employee described in Subsection (4) is not satisfactorily
8397 remediated, an employer:

(a) may dismiss the career employee for cause in accordance with procedures established by the local school board that include standards of due process and causes for dismissal; and

(b) is not required to develop and implement a plan of assistance for the career employee, as provided in Section 53G-11-514.

Section 233. Section **53G-11-518** is amended to read:

53G-11-518. State board to make rules on performance compensation.

(1) [~~In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education~~] The state board shall make rules requiring a school district's employee compensation system to be aligned with the district's annual evaluation system described in Section 53G-11-507.

(2) Rules adopted under Subsection (1) shall:

(a) establish a timeline for developing and implementing an employee compensation system that is aligned with an annual evaluation system; and

(b) provide that beginning no later than the 2016-17 school year:

(i) any advancement on an adopted wage or salary schedule:

(A) shall be based primarily on an evaluation; and

(B) may not be based on end-of-level assessment scores; and

(ii) an employee may not advance on an adopted wage or salary schedule if the employee's rating on the most recent evaluation is at the lowest level of an evaluation instrument.

Section 234. Section **63G-2-302** is amended to read:

63G-2-302. Private records.

(1) The following records are private:

(a) records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;

(b) records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;

(c) records of publicly funded libraries that when examined alone or with other records identify a patron;

(d) records received by or generated by or for:

- 8429 (i) the Independent Legislative Ethics Commission, except for:
- 8430 (A) the commission's summary data report that is required under legislative rule; and
- 8431 (B) any other document that is classified as public under legislative rule; or
- 8432 (ii) a Senate or House Ethics Committee in relation to the review of ethics complaints,
- 8433 unless the record is classified as public under legislative rule;
- 8434 (e) records received by, or generated by or for, the Independent Executive Branch
- 8435 Ethics Commission, except as otherwise expressly provided in Title 63A, Chapter 14, Review
- 8436 of Executive Branch Ethics Complaints;
- 8437 (f) records received or generated for a Senate confirmation committee concerning
- 8438 character, professional competence, or physical or mental health of an individual:
- 8439 (i) if, prior to the meeting, the chair of the committee determines release of the records:
- 8440 (A) reasonably could be expected to interfere with the investigation undertaken by the
- 8441 committee; or
- 8442 (B) would create a danger of depriving a person of a right to a fair proceeding or
- 8443 impartial hearing; and
- 8444 (ii) after the meeting, if the meeting was closed to the public;
- 8445 (g) employment records concerning a current or former employee of, or applicant for
- 8446 employment with, a governmental entity that would disclose that individual's home address,
- 8447 home telephone number, social security number, insurance coverage, marital status, or payroll
- 8448 deductions;
- 8449 (h) records or parts of records under Section 63G-2-303 that a current or former
- 8450 employee identifies as private according to the requirements of that section;
- 8451 (i) that part of a record indicating a person's social security number or federal employer
- 8452 identification number if provided under Section 31A-23a-104, 31A-25-202, 31A-26-202,
- 8453 58-1-301, 58-55-302, 61-1-4, or 61-2f-203;
- 8454 (j) that part of a voter registration record identifying a voter's:
- 8455 (i) driver license or identification card number;
- 8456 (ii) social security number, or last four digits of the social security number;
- 8457 (iii) email address; or
- 8458 (iv) date of birth;
- 8459 (k) a voter registration record that is classified as a private record by the lieutenant

8460 governor or a county clerk under Subsection 20A-2-104(4)(f), 20A-2-101.1(5)(a), or
8461 20A-2-204(4)(b);

8462 (l) a record that:

8463 (i) contains information about an individual;

8464 (ii) is voluntarily provided by the individual; and

8465 (iii) goes into an electronic database that:

8466 (A) is designated by and administered under the authority of the Chief Information
8467 Officer; and

8468 (B) acts as a repository of information about the individual that can be electronically
8469 retrieved and used to facilitate the individual's online interaction with a state agency;

8470 (m) information provided to the Commissioner of Insurance under:

8471 (i) Subsection 31A-23a-115(3)(a);

8472 (ii) Subsection 31A-23a-302(4); or

8473 (iii) Subsection 31A-26-210(4);

8474 (n) information obtained through a criminal background check under Title 11, Chapter
8475 40, Criminal Background Checks by Political Subdivisions Operating Water Systems;

8476 (o) information provided by an offender that is:

8477 (i) required by the registration requirements of Title 77, Chapter 41, Sex and Kidnap
8478 Offender Registry or Title 77, Chapter 43, Child Abuse Offender Registry; and

8479 (ii) not required to be made available to the public under Subsection 77-41-110(4) or
8480 77-43-108(4);

8481 (p) a statement and any supporting documentation filed with the attorney general in
8482 accordance with Section 34-45-107, if the federal law or action supporting the filing involves
8483 homeland security;

8484 (q) electronic toll collection customer account information received or collected under
8485 Section 72-6-118 and customer information described in Section 17B-2a-815 received or
8486 collected by a public transit district, including contact and payment information and customer
8487 travel data;

8488 (r) an email address provided by a military or overseas voter under Section
8489 20A-16-501;

8490 (s) a completed military-overseas ballot that is electronically transmitted under Title

8491 20A, Chapter 16, Uniform Military and Overseas Voters Act;

8492 (t) records received by or generated by or for the Political Subdivisions Ethics Review

8493 Commission established in Section 63A-15-201, except for:

8494 (i) the commission's summary data report that is required in Section 63A-15-202; and

8495 (ii) any other document that is classified as public in accordance with Title 63A,

8496 Chapter 15, Political Subdivisions Ethics Review Commission;

8497 (u) a record described in [~~Subsection 53G-9-604(3)~~] Section 53G-9-604 that verifies

8498 that a parent was notified of an incident or threat;

8499 (v) a criminal background check or credit history report conducted in accordance with

8500 Section 63A-3-201; and

8501 (w) a record described in Subsection 53-5a-104(7).

8502 (2) The following records are private if properly classified by a governmental entity:

8503 (a) records concerning a current or former employee of, or applicant for employment

8504 with a governmental entity, including performance evaluations and personal status information

8505 such as race, religion, or disabilities, but not including records that are public under Subsection

8506 63G-2-301(2)(b) or 63G-2-301(3)(o) or private under Subsection (1)(b);

8507 (b) records describing an individual's finances, except that the following are public:

8508 (i) records described in Subsection 63G-2-301(2);

8509 (ii) information provided to the governmental entity for the purpose of complying with

8510 a financial assurance requirement; or

8511 (iii) records that must be disclosed in accordance with another statute;

8512 (c) records of independent state agencies if the disclosure of those records would

8513 conflict with the fiduciary obligations of the agency;

8514 (d) other records containing data on individuals the disclosure of which constitutes a

8515 clearly unwarranted invasion of personal privacy;

8516 (e) records provided by the United States or by a government entity outside the state

8517 that are given with the requirement that the records be managed as private records, if the

8518 providing entity states in writing that the record would not be subject to public disclosure if

8519 retained by it;

8520 (f) any portion of a record in the custody of the Division of Aging and Adult Services,

8521 created in Section 62A-3-102, that may disclose, or lead to the discovery of, the identity of a

8522 person who made a report of alleged abuse, neglect, or exploitation of a vulnerable adult; and
8523 (g) audio and video recordings created by a body-worn camera, as defined in Section
8524 77-7a-103, that record sound or images inside a home or residence except for recordings that:

8525 (i) depict the commission of an alleged crime;

8526 (ii) record any encounter between a law enforcement officer and a person that results in
8527 death or bodily injury, or includes an instance when an officer fires a weapon;

8528 (iii) record any encounter that is the subject of a complaint or a legal proceeding
8529 against a law enforcement officer or law enforcement agency;

8530 (iv) contain an officer involved critical incident as defined in Section 76-2-408(1)(d);
8531 or

8532 (v) have been requested for reclassification as a public record by a subject or
8533 authorized agent of a subject featured in the recording.

8534 (3) (a) As used in this Subsection (3), "medical records" means medical reports,
8535 records, statements, history, diagnosis, condition, treatment, and evaluation.

8536 (b) Medical records in the possession of the University of Utah Hospital, its clinics,
8537 doctors, or affiliated entities are not private records or controlled records under Section
8538 63G-2-304 when the records are sought:

8539 (i) in connection with any legal or administrative proceeding in which the patient's
8540 physical, mental, or emotional condition is an element of any claim or defense; or

8541 (ii) after a patient's death, in any legal or administrative proceeding in which any party
8542 relies upon the condition as an element of the claim or defense.

8543 (c) Medical records are subject to production in a legal or administrative proceeding
8544 according to state or federal statutes or rules of procedure and evidence as if the medical
8545 records were in the possession of a nongovernmental medical care provider.

8546 Section 235. Section **63J-1-220** is amended to read:

8547 **63J-1-220. Reporting related to pass through money distributed by state**
8548 **agencies.**

8549 (1) As used in this section:

8550 (a) "Local government entity" means a county, municipality, school district, local
8551 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, special
8552 service district under Title 17D, Chapter 1, Special Service District Act, or any other political

8553 subdivision of the state.

8554 (b) (i) "Pass through funding" means money appropriated by the Legislature to a state
8555 agency that is intended to be passed through the state agency to one or more:

8556 (A) local government entities;

8557 (B) private organizations, including not-for-profit organizations; or

8558 (C) persons in the form of a loan or grant.

8559 (ii) "Pass through funding" may be:

8560 (A) general funds, dedicated credits, or any combination of state funding sources; and

8561 (B) ongoing or one-time.

8562 (c) "Recipient entity" means a local government entity or private entity, including a
8563 nonprofit entity, that receives money by way of pass through funding from a state agency.

8564 (d) "State agency" means a department, commission, board, council, agency,
8565 institution, officer, corporation, fund, division, office, committee, authority, laboratory, library,
8566 unit, bureau, panel, or other administrative unit of the executive branch of the state.

8567 (e) (i) "State money" means money that is owned, held, or administered by a state
8568 agency and derived from state fees or tax revenues.

8569 (ii) "State money" does not include contributions or donations received by a state
8570 agency.

8571 (2) A state agency may not provide a recipient entity state money through pass through
8572 funding unless:

8573 (a) the state agency enters into a written agreement with the recipient entity; and

8574 (b) the written agreement described in Subsection (2)(a) requires the recipient entity to
8575 provide the state agency:

8576 (i) a written description and an itemized report at least annually detailing the
8577 expenditure of the state money, or the intended expenditure of any state money that has not
8578 been spent; and

8579 (ii) a final written itemized report when all the state money is spent.

8580 (3) A state agency shall provide to the Governor's Office of Management and Budget a
8581 copy of a written description or itemized report received by the state agency under Subsection

8582 (2).

8583 (4) Notwithstanding Subsection (2), a state agency is not required to comply with this

8584 section to the extent that the pass through funding is issued:

8585 (a) under a competitive award process;

8586 (b) in accordance with a formula enacted in statute;

8587 (c) in accordance with a state program under parameters in statute or rule that guides

8588 the distribution of the pass through funding; or

8589 (d) under the authority of the [~~minimum school program~~] Minimum School Program,

8590 as defined in Subsection 53F-2-102[(7)(c)].

8591 Section 236. **Revisor instructions.**

8592 The Legislature intends that the Office of Legislative Research and General Counsel, in

8593 preparing the Utah Code database for publication, not enroll this bill if 2019FL-0374, Public

8594 Education Definitions Amendments, does not pass.